

1 NY Gateway Connections Improvement Project to the
2 U.S. Peace Bridge Plaza Section 106 Consulting Party
3 Meeting held pursuant to Notice, at the Department
4 of Transportation at 100 Seneca Street, Buffalo, New
5 York, on Tuesday, July 30th at 1:00 p.m. before
6 Susan Capobianco, Notary Public.
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11 PRESENT:

12 Department of Transportation State of New York
13 DANIEL A. STREETT, P.E., L.S.
14 Special Assistant to Chief Engineer
Engineering Division, Room 6E41
50 Wolf Road, Albany, New York 12232

15 PARSONS
16 THOMAS R. DONOHUE
17 Principal Project Manager
40 La Riviere Drive, Suite 350
18 Buffalo, New York 14202
19
20
21

22 MR. STREETT: Good afternoon, everyone.
23 We will get started here. There's a couple of more

1 people coming in. Feel free to find a seat anywhere
2 you can. We have a sign-in list that is going
3 around. The sign-in list is the actual official
4 register of who is here. If for some reason a name
5 got mistyped or something like that, feel free to
6 correct the name. There should be no additional
7 names being added to that, that we know of. All
8 right. As I said, there is a sign-in list. We ask
9 that everyone register to sign-in so we have an
10 official record that you were actually here.

11 The meeting today will provide
12 consulting parties an opportunity to articulate
13 their views regarding the projects actual effects on
14 historical property. And to offer their input on
15 possible measures to avoid, mitigate and minimize
16 any adverse effects on those projects. The
17 consulting party members will each have an equal
18 opportunity to speak, participants concerning the
19 discussion. We ask that everybody maintain a
20 positive atmosphere in the discussion. We have a
21 stenographer here. Her name is Susan. She will be
22 capturing all the information that is discussed. We
23 ask that you speak one at a time, articulate

1 carefully what you say and speak loudly enough so
2 that she can hear that. We want to make sure that
3 we capture your words correctly. We ask that you
4 respect each person that is speaking at there will
5 be one speaker at a time. I will be the facilitator
6 for the meeting. I will attempt to go around and
7 give everyone an opportunity to speak. There will
8 be no limitations on who speaks. Just everyone will
9 have to please wait their turn, that's all we ask.
10 We ask when you do speak you identify your name and
11 who are you representing so the stenographer will
12 know who you are and why you are here. We ask that
13 no side bar conversations continues that adds
14 additional background noise and makes it difficult
15 to hear who might be speaking at the time. We ask
16 that you stay focused on the agenda. This is
17 Section 106 process. It is not the appropriate
18 forum to get on discussions of other environmental
19 issues. It will be strictly focused on the Section
20 106 for us. All right.

21 By the way, the rules are -- the
22 guideline today that I just covered are right up
23 here on the board as a reference.

1 I think now what we will do is go around
2 the room and ask each person to identify your name
3 and who or what you are representing here at the
4 meeting and can we begin with you please?

5 MR. RABB: Sure. Andy Rabb, City of
6 Buffalo, Parks and Rec.

7 MR. SENSENHEY: Mike Sensenhey, Buffalo
8 Department of Public Works.

9 MS. LEGARD: Carol Legard, I'm with the
10 Advisory Council on Historic Preservation out of
11 Washington, D.C.

12 MS. KRAMER: Kaylie Kramer, Federal
13 Highway, New York Division.

14 MR. ANKER: Hans Anker, Federal Highway,
15 New York Division.

16 MR. HITT: Dan Hitt, New York State
17 Department of Transportation, Office of Environment.

18 MS. SANTANGELO: Mary Santangelo, New
19 York State Department of Transportation, Office of
20 Environment.

21 MS. LORENZ: Kim Lorenz, I'm landscape
22 environmental manager here at DOT.

23 MS. LEHMAN: Maria Lehman, New York

1 State Thruway.

2 MR. HERRERA-MISHLER: Thomas
3 Herrera-Mishler, CEO and president of Buffalo
4 Olmsted Parks and Conservancy.

5 MR. DOLD: Brian Dold, landscape
6 architect for Buffalo Olmstead Parks Conservatory.

7 MS. HERTER: Nancy Herter, Archeologist
8 with the state of New York Preservation Office.

9 MR. MONTAGUE: Nathan Montague,
10 Archeological Survey at SUNY.

11 MS. MARTINIA: Elizabeth Martina,
12 resident of Columbus Parkway and Prospect Hill
13 Columbus Park Community.

14 MS. MECCA: Kathy Mecca, resident of
15 Columbus Park and Columbus Park Association

16 MS. PERLA: Carole Perla, resident of
17 Columbus Parkway and the Prospect Hill Historic
18 District.

19 MR. CERTO: Peter Joseph Certo. I'm
20 also a Columbus Parkway resident and member of the
21 Columbus Park Association.

22 MR. RAYMOND: Andy Raymond, New York
23 State Department of Transportation Buffalo

1 Landscaping Environmental.

2 MR. MOZELLE: Greg Mozelle, New York
3 State Department of Transportation Buffalo Design
4 Office

5 MR. WILSON: Jason Wilson from
6 Preservation Buffalo Niagara.

7 MR. TIELMAN: Tim Tielman, Campaign for
8 Greater Buffalo History, Architecture and Culture.

9 MR. BROWN: Clinton Brown, Clinton Brown
10 Company Architecture.

11 MR. GRIFFIS: Jim Griffis, Ecology and
12 Environment.

13 MS. GREGORY: Ecology and Environment.

14 MS. LANGTON: Anglia Langton, New York
15 State Department of Transportation.

16 MR. DOFF: Chris Doff, Parsons.

17 MS. JONES: Sylvia Jones, I'm the
18 Regional Environmental contact for DOT.

19 MR. JAMES: Mr. James, New York State
20 Department or Conservation of Region 5 Design.

21 MR. SCHOLLS: Cameron Scholls, New York
22 State Department of Transportation Region 5 Design.

23 MR. PERRELLI: Doug Perrelli, Director

1 of UB Archeological Survey.

2 MS. DETINE: Linda DeTine, Prospect Hill
3 resident.

4 MS. SMITH: Rachel Smith, Ecology and
5 Environment.

6 MR. ROBINSON: Terry Robinson, board
7 member of Preservation Buffalo Niagara.

8 MR. STREETT: My name is Dan Streett
9 Special Assistant to Chief Engineer of DOT.

10 Today we have three shorts presentations
11 for you. First of all to brief you on the project
12 itself. We will go through those presentations and
13 then after we have the presentations then we will
14 provide an open forum for individualized comments.

15 So with that, I'd like to turn it over
16 to Tom Donohue for Parsons Transportation Group.
17 They are our consultants and they will provide you
18 with a technical presentation.

19 MR. DONOHUE: This is going to be kind
20 of like an overview of the project in general. Some
21 of you might have seen some of these slides at the
22 scoping meeting last month.

23 But the first slide is just the purpose

1 and need of the project. It was really stated in
2 the NOI that was published a while ago now, but the
3 primary need for the project is to address the
4 limited direct access between the plaza and I-190
5 and the purpose is to reduce the need of local
6 streets by interstate traffic and provide access to
7 the existing Plaza at its current location. The
8 objective, therefore, are to address the need for
9 direct access from the Plaza to the northbound lanes
10 of the Thruway and to redirect through traffic from
11 Front Park and to remove Baird Drive.

12 So in order to kind of accomplish these
13 objectives, let's take a look at the project
14 overview and take a look at existing proposed
15 conditions.

16 First of all, looking at the traffic
17 routing off the Plaza first. This project intends
18 to maintain the existing route off the Plaza to the
19 southbound Thruway off the Plaza to the local
20 network using the ramp behind the Plaza and creating
21 a new ramp D from the Plaza directly onto the
22 northbound Thruway. The traffic heading towards the
23 Plaza, the existing route from the northbound

1 Thruway will be maintained as it is today. A new
2 route for local traffic accessing the Plaza, would
3 actually go down Porter Avenue, but down on to this
4 new ramp PN, which will be connected to the existing
5 ramp which takes us to the Plaza. And conversely,
6 the Thruway southbound route would also use the same
7 ramp coming off Porter Avenue.

8 A few things we actually have to
9 consider was, a lot of things we have to consider,
10 some of the major things we need to consider, as far
11 as engineering goes, is the -- I should have stopped
12 here. Once we get this kind of condition in place,
13 we could review Baird Drive. All this is showing is
14 Baird Drive being removed and restored to green
15 space. But some of the conditions we haven't looked
16 at is the highlight of the Riverwalk, the existing
17 ramp that takes you off of Porter Avenue on to the
18 Thruway northbound, the entrance into the existing
19 Front Park and Porter Avenue itself, specifically
20 the bridge and the area next to the ramp and the
21 area connecting to LaSalle Park.

22 The first piece I want to take a look at
23 is the Riverwalk. This is just an aerial view kind

1 of taken off of a helicopter right where the
2 existing Riverwalk crosses over the railroad tracks,
3 goes down a ramp and underneath the Thruway. Now,
4 if you can visualize this new ramp D, in this yellow
5 arrow here, that is pretty much where it would be on
6 this aerial. It's going right over the top or at
7 least cutting part of the Riverwalk in half right
8 there. One of the things that we considered was
9 just narrowing down the Riverwalk a little bit to
10 squeeze it in and narrowing down this existing
11 access road to make everything fit. It's a very
12 tight squeeze and I think we lose a couple of feet
13 width of the Riverwalk.

14 MR. MOZELLE: Can you hold up for a
15 second? We need to dial someone in.

16 MR. STREETT: This is Region 5.

17 MS. WARBIDSKI: I think a number of us
18 are on. This is Tanya from the Preservation League
19 of New York State.

20 MR. STREETT: You each need to state
21 your name and who you are calling in from for the
22 stenographer's purposes. So go ahead, Tanya.

23 MS. WARBIDSKI: Tanya Warbidski,

1 Preservation League of New York State.

2 MR. STREETT: Thank you. Next?

3 MS. KATHERINE LESLIE: Katherine Leslie
4 from New York State DOT main office.

5 MS. RITA CAMPON: Rita Campon from
6 Parsons Transportation Group.

7 MR. STREETT: Thank you very much. We
8 will continue along now with our presentation.

9 MS. MERRITT: Elizabeth Merritt,
10 National Trust for Historic Preservation.

11 MR. STREETT: Thank you all. Tom, if
12 you could continue with your presentation now.

13 MR. DONOHUE: We have to squeeze
14 everything in here. What we are also considering is
15 not having the Riverwalk in that area, so I took the
16 red line off and relocated the Riverwalk a little
17 bit north of where it comes across the track and the
18 Thruway to the south of the bridge. We will get it
19 all the way across the Thruway to where it comes
20 almost up to the canal and run along the canal and
21 tie it in right where it comes out underneath the
22 Thruway.

23 Another drawing of this here is showing

1 the same thing on an aerial view. This here area is
2 the Riverwalk shown. I think I'm showing basically
3 a directional affect of the direction we are going
4 to using. This also helps us -- if we get the
5 Riverwalk out of the way, it helps us actually to
6 open up this access road to the pumping station. We
7 could actually provide a two lane road for those
8 folks. I think that's it for this one.

9 I want to go around the outside of the
10 project and kind of start with Front Park itself.
11 This drawing here or this photograph here, shows the
12 hatched area of where the existing pavement and
13 sidewalk would be actually moved underneath this
14 project. We wanted to maintain the existing
15 walkways which would be severed by taking this
16 pavement out. So we wanted to maintain a continuous
17 walkway from the existing park up to basically Busti
18 Avenue, both on the south side of the park and the
19 north side of the park near this ramp. We will be
20 working with Olmstead to see if this makes any sense
21 with their project as well or with their master
22 plan.

23 Coming down from Front Park, and the

1 entrance from Front Park, we were considering
2 relocating that as well. The existing parkway
3 entrance comes out the park at this area here. And
4 we are going to be modifying the intersection a
5 little bit further down. So we thought we would
6 move this driveway and line it up with the existing
7 intersection that would be modified from removing
8 Baird Drive. This is Baird Drive coming out. We
9 were thinking about relocating the park entrance off
10 of the existing driveway area. This was actually an
11 old connection at one time, not that long ago, to
12 Baird Drive. And just utilize some of that pavement
13 and bring it in square with Lakeview on the other
14 side of street and maintain the traffic signal right
15 there for pedestrians to cross. Again, we are
16 looking at maintaining the walkways and connecting
17 to the existing walkway system in the park. This
18 helps us provide a safe and secure area for
19 pedestrians that cross Porter Avenue and to avoid
20 what is coming down the street further with these
21 new ramps going up. So this area here seemed to be
22 an ideal place for pedestrians crossing from
23 pedestrians coming out of the park in this direction

1 just across the sidewalk and have a wide area or
2 wide sidewalk on the south side of Porter Avenue.
3 It could possibly be a multiuse path as well.

4 Moving a little bit further down towards
5 the LaSalle Park, there is a couple of options we
6 have for the connections of ramp PN, a new ramp PN
7 and ramp P. This is obviously a roundabout. We
8 would have connections from Porter Avenue around the
9 roundabout to both getting on the bridge, which is
10 ramp PN and also onto the Thruway ramp P.

11 Again, pedestrian area would be located
12 along the south side of this roundabout. At one
13 time we were considering crossing there on the north
14 side. We heard a lot of comments from the scoping
15 meeting that it should be on the south side or at
16 least an area where it would not cross a lot of the
17 children and pedestrians and bicyclists across those
18 new ramps. Another option is possibly a signalized
19 intersection to eliminate the roundabout. The same
20 thing, we would have basically indicated lanes,
21 depending if you wanted to go on the Thruway or to
22 the Peace Bridge. The traffic signals aren't shown
23 here, but we would have to arrange somehow for

1 signals at this intersection. And, again, this
2 would also show the pedestrians on the south side of
3 the Porter Avenue.

4 Now, we did in part of our scoping we
5 did talk to some of the stakeholders, a couple of
6 them actually being the City of Buffalo and the
7 Thruway Authority. And during our discussions with
8 the Thruway Authority they have future plans to
9 replace the Porter Avenue Bridge over the Thruway.
10 And if things could be timed out correctly, we might
11 incorporate their work on the Thruway Bridge with
12 the work that is going to go on with these ramps.
13 This idea was kind of born out of that combination.
14 We were thinking about -- considering bringing the
15 ramp off the Thruway northbound a little bit sooner
16 and bring them on this side of this abutment that
17 currently exists. This abutment would have to be
18 replaced as well. But this would also straighten
19 out the ramps coming off the Thruway. It would also
20 separate the two ramps that are taking you to the
21 Peace Bridge into the Thruway itself. It might even
22 eliminate the traffic signals and just get by with
23 stop signs. This would just be one direction off of

1 Porter Avenue. We would have to study it to make
2 sure it would even be feasible.

3 This is just showing the traffic headed
4 off the Thruway and heading onto the new ramp. And
5 from there, of course, they go either straight to
6 Niagara Street or over to the Plaza.

7 And, again, like I was saying the
8 pedestrians would stay right on the south side all
9 the way across this new bridge. And even if the
10 bridge didn't get replaced, we are considering
11 taking these four lanes that currently exist bring
12 it down to three lanes and make a nice wide sidewalk
13 on one side for pedestrians. Right now it's a very
14 narrow sidewalk and either way. It's not ideal. So
15 either way this pedestrian way would be provided.

16 Schedule wise, we are still kind of on
17 schedule. The scoping meeting was held last month.
18 We have the meeting today for the consulting
19 parties. We hope to get this project scoped out
20 actually next week or maybe the week after, but it's
21 going to be early August. We are going to have the
22 DEIS out for public review in November with the
23 public hearing in December of this year. We

1 anticipate having the FDIS out for review in
2 February of next year. A record of decision in
3 April and construction to actually start in May of
4 next year.

5 So that's an overview of where we are
6 with designs and considerations, as far as the
7 alternatives being looked at.

8 We have another presentation coming up
9 now to give us an overview of the Section 106
10 process.

11 MR. STREETT: Thank you, Tom. Our next
12 speaker, who is on her way around is Sylvia Jones.
13 She is the Regional Environmental Contact and
14 Cultural Resource Coordinator here in Region 5 in
15 Buffalo. Sylvia will be able to talk about the
16 series of steps that defines the Section 106
17 consultation process, including the process of
18 evaluating properties for the National Register
19 eligibility and assessing the project effects.
20 Sylvia.

21 MS. JONES: Hi, everybody. How are you
22 doing? Can everybody hear me? I'm not accused
23 quiet so. If I start to taper down, give me a

1 thumbs up in the back and I'll speak up.

2 So what you're looking at here is an
3 1897 picture with a painting and it is a vantage
4 point from the front. So just a little fun fact
5 there.

6 So the Section 106 National Historic
7 Preservation Act. Okay, so basically this requires
8 the federal agencies to account for their
9 undertaking and the affect it has on historic
10 properties. So they also involve the council and by
11 council we usually refer to as the Advisory Council
12 for Historic Preservation and we typically refer to
13 them as the council or ACHP, which is a mouthful.
14 So when you hear me say council, that is what I'm
15 referring to.

16 36 CFR, part 800 is the protection. It
17 defines now the federal agencies go about protecting
18 historic properties through the 106 process. And
19 it's pretty lengthy and you can find it online and
20 read away.

21 The purpose of the 106 process is to
22 accommodate historic preservation concerns with the
23 need for federal undertakings. By federal

1 undertakings we mean anything that requires federal
2 actions. So any federal permits, any federal
3 licenses or approvals, that's what we mean by a
4 federal undertaking.

5 The goal of consultation is to identify
6 historic properties that affect the undertaking and
7 find ways to avoid and minimize and mitigate those
8 affects on historic properties.

9 So who participates? Well, you have
10 FHWA, DOT, SHPO the Adversary Council, federally
11 recognized tribes and other consulting parties and
12 the public.

13 So I'm going to go through each one and
14 kind of give you an overview of those participant's
15 role in the 106 process.

16 So FHWA, they are responsible for the
17 106 findings and the documentation. They approve
18 the project and any action as a result of the 106
19 compliance. So basically they are the be all and
20 end all. They the deciding factor in everything.

21 DOT's role, they initiate the
22 consultation. They prepare the information.
23 They've analyze the data and they recommend the

1 eligibility and affect and they do that with
2 consultation.

3 SHPO. SHPO has an advisory role. They
4 assist FHWA and the DOT with the 106 responsibility.
5 They consult on the findings of eligibility and
6 effect as well as measures to avoid minimize and
7 mitigate any affects to historic properties.

8 The council, they have an oversee and
9 regulation compliance role. They may choose to
10 participate. They are not required to participate
11 in the consultation process. For this particular
12 project the council is participating and we --

13 MS. LEGARD: Well, we are just providing
14 technical assistance.

15 MS. JONES: Technical assistance at this
16 point, okay, but they are here present today.

17 Federally recognized -- wait one more
18 slide. Federally recognized tribes. Consultation
19 is held regarding the properties that may have a
20 religious or cultural significance to the nations.
21 And the federal agencies, in our case FHWA,
22 maintains the government to government relationship
23 with the nations. Now we have both the Seneca

1 Nation of Indians as well as the Tonawanda Senecas
2 participating in the consultation process for this
3 project.

4 Other consulting parties and the public.
5 Consulting parties are approved by the federal
6 agency, in this case FHWA, and based on the
7 requirements submitted and reviewed, those
8 individuals have been specifically invited to
9 participate as a consulting party and here you all
10 are. Consulting parties have the right to receive
11 information and articulate your views. Your views
12 are then accompanied with the public input go into
13 the decision making process. So there's basically
14 four steps to the 106 process. There is initiating
15 for the section 106 process, identifying historic
16 properties, assessing the projects effects, and
17 resolving any adverse effects that may be found.

18 So I'm going to go kind of go through
19 them step by step to give you an idea of what is
20 entailed in each one of those steps. So step one is
21 initiating the 106 process. So first you have too
22 establish whether or not the 106 -- section 106
23 applies to this undertaking and we have already done

1 that and established that that it is, which is why
2 we are here.

3 Does the project have the potential to
4 cause affect to historic properties? Well, we are
5 working on that. That's part of the process of
6 undergoing the 106 process.

7 Identifying the federally recognized
8 tribes and we have done that and like I said, we
9 have the Seneca Nation and Tonawanda Senecas
10 participating.

11 Involve the public and identify the
12 consulting parties. So as Tom mentioned, back in
13 June 11th of this year, we had a scoping meeting.
14 And at the scoping meeting we identified the
15 project. We presented the project and we gave
16 everybody an opportunity to become a consulting
17 party in the 106 process.

18 So step 2 is identifying the historic
19 properties. So we start out by looking at the area
20 of potential effect. And the area of potential
21 effect is basically a geographic area of the project
22 where alterations of historic properties may occur.
23 It doesn't mean that they are going to occur, but

1 they may occur. So for this particular project the
2 AP has already been defined and everybody received a
3 map of that in the package that you were sent for
4 this meeting. So the AP defines the scope of
5 identification effort. So basically anything that
6 is within the project APE will be looked at to
7 determine whether or not there is historic
8 properties within that boundary. It delineates the
9 horizontal and vertical boundaries as well. And
10 should the project scope change for whatever reason
11 or any reason, we may reevaluate the APE and that
12 may change. It doesn't necessarily have to change,
13 but it is looked at periodically through the
14 process.

15 So identifying historic properties
16 within the APE. The responsibility for that is
17 basically a good faith effort that you put forth to
18 determine that you have identified all the historic
19 properties that could be affected that is within the
20 APE.

21 Is it a perfect scheme? No, there are
22 times where you might miss something, but it is
23 basically a good faith effort to try and identify

1 everything. To establish and document the APE,
2 which we have already established and review and
3 update any existing information on historic
4 properties. So we have studies that show us where
5 historic properties were for this particular project
6 and we sent people out and they updated that
7 information through field surveys and evaluation to
8 the see if anything new came into those criteria.

9 So what do we look for when we are
10 looking for historic properties? So we are
11 basically looking for building sites, district
12 structures, objects that are listed or eligible for
13 listing on the National Historic Registry of
14 Historic Places. The age of the structure comes
15 into play. So typically it's about 50 years. It
16 doesn't necessarily mean it has to be 50 years. A
17 perfect example would be the Twin Towers for 9/11.
18 Obviously they are not 50 years old, but they have a
19 historic significance to this country. So that type
20 of issue would mean something less, but it has to
21 have a exceptional significance.

22 To be eligible the property must meet at
23 least one once of the National Register's criteria

1 and retain essential characters or character
2 defining features from that period. I'll give you
3 the National Register criteria says from the next
4 slide. So basically it has to maintain those
5 characteristics.

6 So here are the characteristics for the
7 National Register Criteria. There are basically
8 four of them. I'm not going to read them to you.
9 You've got them in your handouts and they are
10 basically pretty self-explanatory.

11 So as we mentioned in the slide
12 previous, you must meet at least one or more of
13 these criteria and it must maintain its integrity
14 and the ability for the property to convey its
15 historic identity. So basically when and why it was
16 eligible for the National Register to begin with so
17 it has to maintain that.

18 So this is the slide of the APE and
19 everybody got a copy of this and I guess it's a pink
20 line. I thought it was a red line, but the pink
21 line shows the project APE. So you'll see that that
22 kind of extends wider and it encompasses the
23 Prospect Hill Historic District. That's the blue

1 district there. All it is is outlining the district
2 and the green is the direct APE. That's where we
3 were looking to find where you might have the most
4 effects based on the projects review. And like I
5 said, it is subject to change, based on the scope of
6 the project.

7 So now the next -- I would say five or
8 six slides are basically the meat and potatoes
9 effects. So it's going to tell you basically how we
10 determine the effects of a project or an
11 undertaking.

12 So effect means basically the alteration
13 of characteristics of the historic property. So
14 again changes to what made it eligible for the
15 National Register to begin with.

16 So no historic properties affected. If
17 no historic properties are found, then the project
18 will a no affect because you don't have any historic
19 properties. Or if the historic properties exist,
20 but the undertaking of the project is not impacting
21 them then you'll have a no impact or no adverse
22 effect or a no adverse effect.

23 So if historic properties are affected,

1 this supplies the criteria of an adverse effect, and
2 that's in the next slide. And it actually gives you
3 the criteria associated with an adverse effect.

4 So the criteria of an adverse effect.
5 An adverse effect occurs when the project alters
6 directly or indirectly any of the characteristics of
7 a historic property that qualified the property for
8 inclusion in the National Register in a manner that
9 diminishes the integrity of the properties location,
10 design, setting, materials, workmanship, feelings or
11 association.

12 If the criteria of an adverse effect do
13 not apply, then a no adverse effect is issued. And
14 then a documentation of finding of no adverse effect
15 is sent to SHPO and consulting parties and the 30
16 day review begins.

17 So basically you have three ways of
18 determining an effect of the undertaking. You have
19 a no effect. You have a no adverse effect and then
20 you have an adverse effect.

21 So once you make an affective
22 determination, you document the assessment of that
23 effect. The documentation is the same for a no

1 adverse effect as it is for an adverse effect. To
2 the documentation remains the same.

3 So basically you have the description of
4 the APE. Steps taken to identify the historic
5 property. The description of the historic property
6 and its qualifying characteristics. A description
7 of the projects effects on historic properties, an
8 explanation of why the criteria is either a no
9 adverse effect or an adverse effect, depending on
10 what is found. And then conditions to avoid,
11 minimize and mitigate those effects on the historic
12 property and then a summary of the consulting
13 parties and the public's view.

14 So the written comments that come in
15 during the 30 day comment period are then reviewed
16 and then are considered in the decision making
17 process. Then FHWA issues a no adverse effect
18 determination or an adverse effect determination,
19 I'm not saying what they are going to do. So if
20 it's a no adverse effect determination, that
21 fulfills the requirements of 36 CFR Part 800. If
22 it's an adverse effect is found then an additional
23 consultation is needed to resolve any of those

1 issues.

2 So the final step is step 4 which would
3 be resolving those adverse effect issues. So these
4 are elements -- these are elements that would find
5 that affect the property. So, for example, if you
6 had a no adverse effect and you had a historic, say,
7 home and in front of that historic home is a 200
8 year old tree. It's part of the setting of that
9 historic home, but it doesn't actually change the
10 historic elements of the building itself. So if the
11 proposed undertaking needed to remove that tree, you
12 may mitigate that impact of removing that tree from
13 the setting of the historic property to planting
14 another tree adjacent to where that tree was
15 removed. So that would be a no adverse effect.
16 You've not actually changing the historic structure,
17 but you altered something that contributed to the
18 setting of that historic structure. So an adverse
19 effect would be if you had to do something that
20 impacted the actual structure itself. So if that is
21 found to be the case, additional consultation to
22 develop and evaluate measures to avoid minimize and
23 mitigate the adverse effect of the historic

1 property.

2 Then you need to make a memorandum of
3 agreement, which we call an MOA. And that basically
4 documents the measures that were agreed upon to
5 mitigate the adverse effect. Then the MOA becomes
6 the record of compliance for the 106 and then FHWA
7 ensures that the project carries out what was
8 written in the MOA to make sure that the mitigation
9 is complete.

10 MR. STREETT: Thank you, Sylvia. We are
11 moving onto the next presentation, the third one,
12 will be Jim Griffis from Ecology and Environmental.
13 He will be summarizing the preliminary assessment of
14 effects on the identified historical properties
15 within the AP.

16 MR. GRIFFIS: Thank you. Good
17 afternoon. In my presentation I'm going to go
18 through some of the same steps that Sylvia talked
19 about, but we are going to talk about them in
20 relation to this project in particular.

21 This afternoon my presentation will
22 briefly describe the various actions,
23 investigations, analysis and consultations that DOT

1 and FHWA and the other parties involved have taken
2 place to lead up to the drafting of the effects,
3 findings that you have all received or should have
4 received or got this afternoon. And let's talk
5 about four particular areas.

6 This review quickly what is the APE
7 for/or areas of potential effect for this project,
8 the process of identifying historic architectural
9 resources within the APE. The determination of the
10 effects on those resources and I'm going to touch
11 briefly on the archeological resources that may or
12 may not be in the area.

13 In dividing the area of potential
14 effect, it starts off with New York State DOT
15 defining the area in coordination with FHWA and in
16 consultation with the State Historic Preservation
17 Office or otherwise known as SHPO. As Sylvia
18 mentioned, it represents the geographical area
19 within which the project may directly or indirectly
20 cause the alterations in the character for use of
21 the historic properties. In this case the APE is
22 important to remember, is determined directly as it
23 relates to this project and what the purpose of this

1 project is. If we go back and remember what those
2 were, mentioned earlier, is the direct connection to
3 the front of the Peace Bridge Plaza through the
4 northbound Thruway 190, that's ramp D with the
5 newest access point for the Peace Bridge from the
6 city of Buffalo, that's the one coming off of Porter
7 Avenue. The renewal of Baird Drive through Front
8 Park and the proposed relocation of the Porter
9 Avenue entrance into Front Park.

10 Now, as mentioned earlier too, you have
11 remember that as this project develops the APE may
12 change as we move forward, in fact, it has from the
13 initial finding earlier. I'll get to that in a
14 minute.

15 The process -- to identify the historic
16 process as far as resources in the area, we reviewed
17 the existing information and many of you who were
18 here and involved in the previous Peace Bridge
19 project, over the last 10 years, we have done an
20 extensive review of the area and we have identified
21 a number of those properties, something like about a
22 110 within the neighborhood. And then we consulted
23 the National Register to make sure that everything

1 was built the same, as we have done it before,
2 understood it to be before and then DOT recently
3 hired UB's Department of Anthropology to review the
4 information to review the situation in the
5 neighborhood and update the information as
6 appropriate.

7 This process has resulted in an
8 understanding of the above ground structures that we
9 have in the area and has provided us with some
10 information that might relate to unidentified or as
11 yet unidentified archeological resources that are in
12 the area.

13 A number of properties in the area have
14 been identified in two basic areas. One the Front
15 Park and Porter Avenue, which are part of the
16 Olmstead Parks National Listing. They are
17 contributing aspects of the whole park listing and
18 the Prospect Hill Historic District which are APE as
19 you saw a minute ago, covers part of that area.

20 Once DOT defined that area then we
21 drafted up a letter and sent it to SHPO and they
22 have reviewed it. In fact we have sent two, as I
23 mentioned a minute ago, and they have concurred with

1 our APE as it is currently drawn on July 3rd. I
2 suspect, as we move forward with some of the
3 alternatives that we are discussing, that we might
4 adjust it once again. And if that happens,
5 obviously the consulting parties will be kept
6 appraised of the situation.

7 We have received concurrence from SHPO
8 of the APE, as it exists at the present time. And
9 this has been passed on to federal highways and they
10 concurred with the APE on July 5th. So we are
11 moving ahead in that direction.

12 I'll bring you back to this slide here.
13 There is only one APE in the project, that's the
14 outline in red or pink, if you are colorblind like I
15 am a little bit. We are going incorporate, not only
16 the area where we are going to to have direct
17 impact, those are the areas shaded in green; that's
18 where the construction is going to take place, but
19 the areas where you have indirect impact, outside
20 the construction zone.

21 And as I have mentioned to you before,
22 the direct area of impact, which is shaded in green,
23 I know has to be changed a little bit because of the

1 area up in here where we are changing the movement
2 of the Riverwalk, that has to be expanded so we will
3 be going back to SHPO and then FHWA again at least
4 to talk about that. We may also incur some changes
5 down here in Porter Avenue in the future, if that
6 becomes a reality, as part of this project.

7 In the archeological resources, We
8 haven't put shovel to ground yet in the area. We
9 don't know what is there. All we know is what might
10 be there. So we are going to have to pay particular
11 attention as we move through, as this project
12 progresses.

13 The results of the preliminary findings
14 have indicated that we don't have anything in the
15 area that we know of and for now the finding and
16 effect reports no adverse effect to those resources.
17 If something happens and we find something again
18 then we will have to make those changes.

19 The basis for finding that there is no
20 adverse effect in either the archeological or the
21 historical resources at this point in time, is that
22 the project does not alter the characteristics and
23 quality of the historic properties that permit it to

1 be listed or eligible for listing on the National
2 Register. And the project that's then determined,
3 the project will not diminish the integrity of any
4 of the historic properties, location, design,
5 settings, materials, workmanship, feelings or
6 association.

7 Specifically Front Park and Porter
8 Avenue changes will not alter the characteristics of
9 either property to qualify them for the listing on
10 the National Register. And the proposed removal of
11 Baird Drive will eliminate traffic from the park
12 returning to green space along with proposed
13 restoration of the pedestrian walkways and will
14 improve the activity between Front Park and the
15 adjacent residential neighborhood, therefore, it has
16 a beneficial effect. The proposed reconstruction of
17 the Porter Avenue entrance into Front Park will
18 improve access for the public and safety of those
19 users. None of the project's proposed changes to
20 Front Park, including any changes in the landscaping
21 elements, preclude future implementation of the
22 Buffalo Olmstead Park Conservancy's plans for the
23 development of the project. And the proposed new

1 ramps and their intersection with Porter Avenue, and
2 the southwest corner of the park and Porter Avenue
3 Bridge are outside the boundaries, so they will not
4 impact the properties.

5 For Prospect Hill Historic District,
6 it's determined that the chances will not alter the
7 characteristics that qualify the properties in
8 National Register listing and its elements of the
9 historic districts or for individual listings. It
10 will not introduce adverse visual effects that
11 diminish the historic integrity of those properties.
12 Again, the removal of Baird Drive from the park will
13 have a positive impact on the district's
14 contributing resources within the area of potential
15 effects by enhancing the view of Front Park and
16 eliminating the visual and auditory impact
17 associated with through traffic in the park. The
18 project will have no direct adverse on the district
19 itself or other contributing resources.

20 Archeological resources. As I
21 indicated earlier, looking at the previous reports
22 and in looking at the SUNY Buffalo's updated, we
23 have not identified any archaeological resources

1 that are known to the area. The study area has been
2 substantially modified by past development and the
3 introduction of expensive amounts of fill in the
4 area which has altered the landscape considerably,
5 particularly below the bluff. The terms of the
6 archeological sensitivity of Front Park is
7 considered to have an extremely low sensitivity
8 primarily because it was undeveloped at the time the
9 park was designated. And despite the extensive
10 ground disturbances that have taken place within the
11 study here, we realize there remains a slight chance
12 of some prehistoric and potentially historical
13 archeological resources within the context of the
14 urban setting.

15 For that reason the procedures that we
16 are moving forward on, in the absence of any
17 identified adverse effect, we would not prepare a
18 memorandum or agreement at this point in time. And
19 the proposed -- although we have a proposed finding
20 of no adverse effects, as the project moves forward,
21 additions for construction will include
22 archaeological monitoring to insure that any
23 potential cultural resources or deposits that are

1 encountered during construction, will be identified,
2 evaluated and addressed in accordance with the 106
3 guidelines. We will have archeological monitors
4 on-site during construction activity,

5 In conclusion then, the takeaway is that
6 we have analyzed the project area. We have
7 identified the area of potential effects. We have
8 identified the potential effects on historic
9 properties within the area and prepared the
10 preliminary draft findings, which you have in your
11 hands.

12 Now, we need your input as we move
13 forward and would like to open this up for the
14 roundtable discussion. Dan?

15 MR. STREETT: Please hold your
16 questions, okay? We will get to everybody with the
17 questions.

18 Tom, could you slip us back to that
19 slide? For one thing I'm just going to attempt to
20 do here is to clarify exactly what the scope of the
21 project is, okay? Just so there is no
22 misunderstanding. We went through a number of
23 different iterations of what was being proposed.

1 For the scope of this project, what we are proposing
2 is the primary intent is to provide a transportation
3 link onto I-190 north. And new ramp D, as Tom
4 explained earlier, is what is being proposed to
5 being put in there. As part of that construction of
6 that ramp, that causes some constraints along the
7 Riverwalk where it comes across here and comes down
8 along between the CSX right-of-way and the 190
9 right-of-way and then crosses underneath here. So
10 the reason because of that conflict in that area,
11 that's why we are considering relocating Riverwalk
12 to put a new bridge in and across the CSX and the
13 190 over to the bank over here and continue down and
14 reconnect it. The intent of relocating the
15 Riverwalk was caused by the fact that we constructed
16 the new ramp and it created a constraint in between
17 here for providing the access. I just want to be
18 clear and that's why that is included in the scope.

19 One of the other intents is to remove
20 Baird Drive, going through the park, as was
21 mentioned before, and the relocation of the entrance
22 into the park. And Tom had covered three different
23 options of how to handle traffic getting from the

1 local street into the Plaza, which is all located
2 down in this area. There is a roundabout in this
3 area and then he also described an individual
4 intersection in that area. Those were two different
5 ways to deal with the traffic as shown on this
6 sheet.

7 As part of our scoping process, we
8 determined that there was a possibility of being
9 able to include the replacement of this bridge,
10 which was already on the program for the New York
11 State Thruway for replacement. By replacing that
12 bridge provide other opportunities in how to
13 configure these ramps in this area. So we are
14 looking at a third option of possibly putting a ramp
15 in a different way down here. The sole purpose of
16 that was to determine the best configuration of
17 ramps in this area to get the traffic onto ramp A
18 which comes into the Peace Bridge Plaza. So those
19 three options down there are being considered. They
20 will be carried forth into the drafting
21 environmental impact statement as options at this
22 point, until we make a determination of which best
23 suits the needs and objectives of the project. All

1 right? So I just wanted to make sure I covered that
2 to insure that everybody was clear of what was being
3 presented.

4 Next, just briefly we're going to have
5 Dan Hitt to explain the information you have
6 received a couple of packages, whether you know it
7 or not. You received some information here today.
8 You have received or will be receiving information
9 in the mail. I'll ask Dan to explain that to you.

10 MR. HITT: Thanks, Dan. On July 12th,
11 all the of consulting parties should have received a
12 copy of the area of potential effects as well as a
13 copy of the undated Historic Properties and the
14 Archaeological Sensitivity Report. Did anyone not
15 get that package?

16 MS. MERRITT: This is Betsy Merritt from
17 the National Trust. I have no record of ever
18 receiving that package.

19 MR. HITT: We'll send you a copy. Also
20 yesterday we sent out a draft of the findings
21 documentation that overnight delivery. So if you
22 haven't gotten it yet, you should get it sometime
23 today. We will handout copies of the draft effects

1 finding here. This is the exact same copy that you
2 will get in the mail, if you haven't gotten your
3 mail already. Anybody who hasn't gotten it.

4 MR. STREETT: Keep in mind these are two
5 sets of the exact same documentation. If you get it
6 here, you are going to get it at home which is fine.
7 I just want to let you know, nobody is going to be
8 missing out on not having the information.

9 MR. HITT: So everybody should have
10 gotten both packages in the mail. We will followup
11 with Betsy. Let us know if you didn't get the
12 copies. Everybody that is a recognized consultant
13 party was sent both packages. They were sent
14 yesterday and they were overnight, so you'll get it
15 some time today.

16 MR. STREETT: All right. We will begin
17 the process now of opening up the forum for
18 questions, comments or concerns. This gentleman has
19 been raising his hand for a while. So we will let
20 him go first, if you don't mind.

21 MR. BROWN: Thank you, Dan. Clinton
22 Brown. I may be representing a potential consulting
23 party. The Erie Canal Way National Heritage

1 Corridor Commission is a body created by congress
2 under the aegis of the Department of the Interior
3 and the National Park Service I'm a commissioner
4 appointed by the secretary of interior. Whether our
5 office responded to a request to be a consulting
6 party or not, I don't see us on the list and I think
7 we ought to be on the list because this is within
8 the area of the National Heritage Corridor.
9 Regarding that, we are undertaking a National
10 Register nomination of the New York State Barge
11 Canal in cooperation with the Canal Corporation and
12 the Thruway Authority, which is in the process of
13 being worked on with the State Historic Preservation
14 Office in consultation with the New York State
15 Museum and the National Park Service. So we are
16 identifying historic and cultural resources within
17 the boundaries of the State Barge Canal as a first
18 step to identifying resources within the historic
19 Erie Canal and all its permutations, including the
20 area here and more specifically the Porter Avenue
21 Bridge has remnants of the Erie Canal incorporated
22 into its construction. So as Tom pointed out, the
23 potential for reconstruction of that bridge, those

1 resources -- as well as resources in the waterway as
2 the APE grows to include the Riverwalk potential
3 ought to be acknowledged as historic resources that
4 could be impacted, may or may not be impacted, but
5 they ought be on the list.

6 Similarly within that corridor are the
7 CPO Club or former CPO Club which was preliminarily
8 identified by the Historic Preservation Office and
9 eligible for listing in the National Register of
10 Historic Places and the federal government is
11 undertaking rehabilitation in consultation with the
12 Historic Preservation Office.

13 MR. STREETT: Do you know what the CPO
14 stand for?

15 MR. BROWN: Chief Petty Officer's Club.
16 It's associated with the New York Naval Reserve
17 Campus to the west of the Thruway and the APE. And
18 the APE may want to go to the water's edge to
19 incorporate their concerns in terms of vehicular
20 impact. Similarly, the Buffalo Yacht Club at the
21 foot of Porter Avenue in my view, I don't know if
22 anybody's advocated the Historic Preservation Office
23 through their officials, that that could be eligible

1 for listing of National Register of Historic Places,
2 similarly the Cornell Ward Pumping Station.

3 If I might briefly touch on mitigation.
4 It seems to me that in the update of the inventory
5 figures 6, 7 and 8 show the intent of the business
6 people and the Olmstead Commission on the output
7 design of the Front Park and putting the new
8 entrance drive, where Tom's slides have showed it,
9 would not necessarily enhance its restoration
10 because the entranceway to the park historically was
11 at the corner of Busti and Porter. And as to the
12 citizens who created the Olmstead, related Elmwood
13 Park District. It was purposely designed that way.
14 It would be a goal for mitigation to seek the
15 restoration of the original Olmstead design when
16 there is so much work going on anyway as distinct
17 from the proposed creation of an intersection where
18 there is a system driveway as you have shown in the
19 slide.

20 Just one final comment. I have been
21 involved with the Peace Bridge expansion for about
22 20 years now one way or the other. And I have to
23 commend the Department of Transportation for the

1 seriousness with which it has taken its
2 responsibility in this project and which it has
3 sought to engage at the public opinion. It's very
4 refreshing and it's a great way to go forward.

5 MR. STREETT: Thank you. Next person.
6 The gentleman with the --

7 MR. TEILMAN: Tim Teilman, and I'm
8 speaking on behalf of the Campaign for Greater
9 Buffalo History, Architecture and Culture. I want
10 to comment on a couple of areas.

11 The first is the need and it wasn't
12 clear from this document. It states that the need
13 has reduced the use of local streets by existing
14 traffic and provides access to the existing plaza
15 and its current location. It's difficult to tell
16 why this is necessary without an idea of profile of
17 what the traffic has been. Because a 2010 study by
18 a pitched rating using Public Bridge Authority
19 Traffic Statistics indicates year-to-year a two
20 percent decline in traffic from the day the
21 Lewiston-Queenston Bridge opened. Now, what
22 impact -- I mean what is this going to address if
23 traffic already declining? Is traffic on local

1 streets declining?

2 And then I think we have to look at, and
3 again it's not in here, whether this project in fact
4 will induce more traffic. So traffic inducing
5 effects, things that make the Peace Bridge
6 particularly easier to use for tractor trailer
7 traffic have to be considered.

8 And I understand why this is being
9 perhaps considered in isolation, but everyone is
10 aware that Public Bridge Authority, as well as Duty
11 Free America, they have plans that are ongoing and
12 have been ongoing for 15 years to expand the Plaza.
13 And there is no indication of how --

14 MR. STREETT: Excuse me. I just may
15 have to interrupt you for a moment. We need to make
16 sure that for the last line there, the agenda here
17 is to stay focused on the 106 process, the
18 historical properties. I'm just trying to ask you
19 stay focused on -- the traffic is not really related
20 to this topic. That's why I'm just trying to ask
21 you to stay focused.

22 MR. TEILMAN: Well, I think obviously
23 the impact of traffic noise that has a direct effect

1 on the desirability of the historic properties, the
2 enjoyment of historic properties by residents and
3 citizens. The amount of traffic traversing these
4 ramps in front of Front Park between the viewer and
5 the lake that resource that they want to enjoy,
6 there is a direct effect

7 MR. STREETT: Okay.

8 MR. TEILMAN: Another issue is the APE.
9 I have here in front of me an original 1871, the
10 first parks report by Olmstead and Baus and it has a
11 map of Front Park, the bank, Sixth Street. This
12 isn't included in the APE. The bank particularly on
13 the north hand side, remnants of it remains. It's a
14 very important scenic resource and historic resource
15 for Buffalo. If it's not in the National Register
16 documentation, it's got to be revisited because
17 Olmsted and Baus clearly saw that as important for
18 people coming from the north. The bank was the
19 first point of which they see Lake Erie and the
20 Niagara coming together and that's important because
21 again you have a visual resource. And particularly
22 new ramp D, it's unknown from the documentation
23 provided because it's only bird's eye view straight

1 down. How is that going to affect people on the
2 ground? The view shed from given points. It's very
3 unclear and this has to be part of the evaluation.
4 We don't know and it's obvious from the materials
5 handed out and we are being asked to evaluate how
6 this is going to appear to a user of Front Park or a
7 user of the bank. You know, we don't have any tools
8 to evaluate whether your work is in fact being done
9 properly and what the impacts are.

10 And further, just one point, there's a
11 discrepancy between the slides that were presented
12 today and at least one and again, I received this at
13 11:45 this morning, the draft finding documentation
14 for preliminary assessment of effect, so I didn't
15 have truthfully time to go through it at all.

16 But figure 2, the conceptual plan and I
17 think, I don't know whether Clint alluded to it or
18 not, the previous speaker. But if you look at that
19 map, it certainly is denoted as Front Park and the
20 entry way there, it does not jive with the slide,
21 for example, Front Park entrance on page 4 of the
22 handout. The entrance is in two different
23 locations. I'm not sure what the source of the

1 discrepancy is. Thank you.

2 MR. STREETT: Comments noted. Thank
3 you. Next person that would like to speak.

4 MR. HERRERA: Thomas Herrera. I'm the
5 CEO and president of the Buffalo Olmsted Park
6 Conservancy. I'll go through my comments in order.
7 I have jotted a few down.

8 I don't think it's a historically
9 resource, but I want to comment that the realignment
10 of the Riverwalk, moving the walkway down to the
11 water, that appears to be a real positive impact on
12 the recreational assets. I think that's a good
13 thing.

14 Overall, the project allows for
15 recapturing historic parkland that's been dedicated
16 to transportation usage for about 60 years and the
17 conservancy has been advocating for the elimination
18 of Baird Drive for a very long time. And so we see
19 this as a very positive impact because it allows us
20 to recapture historic park land, allows us to
21 restore that park land to its original design. And
22 we also feel that it reconnects the park land to the
23 surrounding community. So we see all of those being

1 positive steps and something that the conservancy
2 has been advocating for quite some time now.

3 We have looked at the proposed entrance
4 connection at Lakeview as opposed to the original
5 design. We certainly have a strong interest in
6 seeing the original entrance recreated, if possible.
7 We also understand the complexity of making a modern
8 entrance to the park there with the traffic
9 concerns, meeting the needs of modern vehicles to
10 enter the park on a diagonal out of making a five
11 way intersection. So we do think that the proposed
12 driveway might be an adequate solution to get modern
13 vehicles into the park, but we would continue to
14 strive to recreate as much as the original entrance
15 as the pedestrian experience as possible.

16 We are still waiting to see the impact
17 of the entrance ramp PN on Porter Avenue. Certainly
18 there was no roundabout there historically, but they
19 are used throughout the Olmsted street scape system,
20 including the bank and other places. We want to
21 make sure that the pedestrian connection between
22 Front Park and the South Park is made as strong as
23 possible, whatever solution that is best to further

1 that goal. I guess reserving judgment on that
2 specific until we know more of what is being
3 proposed. But certainly wider sidewalks on the
4 Porter Avenue Bridge is something that we would
5 advocate for.

6 Almost done. We feel that overall the
7 project will have a very positive impact on the
8 historic landscape, for the reasons that I have
9 already mentioned and we concur that the negative --
10 there is no negative impact rather many, many
11 positives to this project on the Front Park land.

12 MS. PERLA: Carol Perla. I was just
13 reading something with the continuation of the
14 Olmsted plan when they did the roundabout at
15 Kleinhan's and all the other roundabouts. They did
16 it specifically to stop traffic and trucks from
17 coming through. That was the reason for the
18 roundabouts, to stop the trucks.

19 MR. STREETT: This gentleman all the way
20 in the back.

21 MR. OBERST: A-l-a-n O-b-e-r-s-t,
22 Vision Niagara. Working on improvements to Niagara
23 Street just north of the Peace Bridge area.

1 Several things, well, these preliminary
2 findings. Some people got them a couple of hours
3 before the meeting. I don't know. I didn't get
4 mine as probably a lot of folks didn't get them. I
5 don't think that works. I think what we need to do
6 is we all need the chance to evaluate that in order
7 to give really good quality input, which I'm sure is
8 what you folks want. We have a lot of people here
9 with a lot of good experience with the area. I
10 think what we need to do is look at looking at a
11 second Section 106 review meeting after we have had
12 the chance to digest some of this, these
13 presentations. I know it's preliminary findings. I
14 think we need to do that and then have a second
15 meeting. I think that is crucial.

16 I would like to say on the APE boundary.
17 I thought the APE boundary was too narrowly gone. I
18 think what is going to happen with this project is
19 it's going to change to lot of traffic patterns
20 which are going to affect the neighborhoods and, you
21 know, what happens with the traffic in the
22 neighborhoods and where the traffic goes and doesn't
23 go. Are you able to hear me? Is there a microphone

1 here? Should I be talking into a microphone? I'll
2 just do my best to project that. What happens with
3 the traffic in and amongst the neighborhoods is
4 crucial on neighborhood development and property
5 values and people being able to improve their
6 properties. It does have an affect on the historic
7 character of the neighborhoods and a number of
8 changes are going to be made that are going to
9 affect properties that are outside of the AP. So I
10 think we need to look at the surrounding
11 neighborhoods, especially a block or two south of
12 Porter. If we are looking at a connection in from
13 Porter, then people may be coming through some of
14 the neighborhoods, that include like Second Street,
15 Seventh Street, south of Porter. So we need to take
16 a look at that. Also, I think we need to expand the
17 APE to include up to Hampshire Street, west to the
18 river and east to Niagara Street and then south on
19 Porter as I described. I think that's the only way
20 we can really take into affect the traffic patterns
21 in the neighborhood.

22 And this is really crucial; there has
23 been some things that happened with the Peace Bridge

1 just in the last couple of weeks, that have backed
2 up traffic into the neighborhoods. It has created a
3 little bit of gridlock. So what happens at the
4 Peace Bridge definitely affects what happens in the
5 neighborhoods. I know that you folks would want to
6 look at those impacts.

7 I also think the APE needs to recognize
8 that the pumping station is also historic. And I
9 think what you are doing may affect that access and
10 egress into the pumping station. I think that is
11 something that should be taken into account, the
12 access and the egress and the entire property where
13 the pumping station was.

14 Most critically if you are talking about
15 doing a ramp, that is going to be up the air,
16 anything up in the air affects the view shed into
17 the park.

18 I'm not an expert at all with Olmsted
19 parks, but of all Olmsted parks in Buffalo, the view
20 shed here is the most critical future. When it was
21 opened it was basically the most popular place in
22 the city to come and view.

23 I'm also part of the Riverwalk

1 Revitalization Committee. It's a project that is
2 going on right now to look at improvements to the
3 Riverwalk. I actually did a site visit with some
4 folks from Buffalo Niagara River Keeper. A group
5 that is overseeing those improvements. We went out
6 and walked Sheridan Terrace into the area of the
7 Peace Bridge property. It's a place where hardly
8 anyone goes. This is a group that focuses on the
9 river and they have never been there. We went in
10 and walked in and the view, going in where the
11 terrace originally connected, where the Peace Bridge
12 Plaza is now open to Front Park. The view from the
13 terrace is just -- it's one of a kind. You can see
14 where the lake and the river come together, yes, but
15 you are also elevated and you can actually see the
16 east end of Lake Erie is an abatement. So you can
17 actually see to like the southern portion to where
18 the lake goes down into Cattaraugus and Chautauqua
19 County. It's a place that people need to be able to
20 see and be able to get there. We don't know what
21 the impact of this ramp is going to be on that view
22 shed. I think what needs to be done is like what
23 was done by Erie Canal Harbor Development, when they

1 were looking at options for bridges in the inner
2 harbor area. They got UB to do 3D modeling for some
3 of the bridge options. Usually there is only a
4 limited range of options. So they looked at some of
5 these options and they modeled them 3D and we have
6 some stakeholder meetings and we looked at these 3D
7 options. I think that is the only way we are going
8 to know what the impacts are to the view shed is by
9 looking at 3D modeling and having some things to
10 look at. So we need to look at the view shed from
11 the park from places like Sheridan Terrace from the
12 bank. Those are all crucial places we need to focus
13 on and that aren't in the APE. So we need to look
14 into that.

15 And I think the side benefit that you'll
16 find with that modeling is once you have a 3D
17 modeling, you can also model what the impact is
18 going to be the emissions, you know, when you have
19 vehicles up there on something elevated up in the
20 air with the prevailing winds blowing over the west
21 side. So I'm not sure we can really make a good
22 determination without having that stuff to look at.
23 I think we need to go back to the drawing board a

1 little bit and look at some other steps in this
2 process. So thank you.

3 MR. STREET: This gentleman here.

4 MR. WILSON: My name is Jason Wilson and
5 I'm representing Preservation Buffalo Niagara. I'm
6 concerned that there will be several adverse impacts
7 that will arise from the result of the proposed
8 project. Some of these concerns have already been
9 noted, but I will go through them again.

10 First and foremost the destruction of
11 the historic view shed from Front Park. Historic
12 resource listed under the National Register of
13 Historic Places. The destruction of the proposed
14 ramp. I believe it is PN along the southwestern
15 boundary of Front Park will obstruct the view of
16 Lake Erie the waterfront and the Niagara River. The
17 park was obviously designed by noted landscape
18 architect Frederick Law Olmsted in the early 1870's
19 and it's a key part of the nations first park and
20 parkway system. And one of Front Parks original
21 historic purposes was to showcase the sweeping views
22 and vistas of Lake Erie, waterfront and the Niagara
23 River available from this site. The current

1 proposed project, as we can tell from the
2 information given to us, will have an adverse impact
3 on the historic resource by obstructing these
4 principle views as originally designed and intended.

5 I would have to echo Alan's statements
6 regarding having some type of 3D modeling to
7 actually know what the ramps are going to do to the
8 historic view and vista from Front Park.

9 Second, the destruction of the historic
10 view shed from the historic resources that are
11 directly adjacent to Front Park along the northern
12 boundary along Busti Avenue. The construction and
13 configuration of the proposed ramps along the
14 southwestern boundary of Front Park will obstruct
15 the principle view of the lake, the river front and
16 the Niagara River originally intended for the
17 residents and their properties along the adjacent
18 street along Busti Avenue.

19 The current configuration of the
20 proposed ramps will force wide load trucks that are
21 prohibited from taking the Thruway to use local
22 streets as they do now, including Busti Avenue. If
23 there is congestion, as there was in the last few

1 weeks on the bridge, these trucks will be forced to
2 use Busti Avenue and to sit in front of these
3 already identified historic resources and obstruct
4 the historic view shed of the lake, the water front
5 and Niagara River.

6 Finally the Section 106 process, review
7 process provides an excellent opportunity to review
8 the boundary of the area of potential effect. It
9 truly measures the adverse impact of the proposed
10 project. The boundaries of the APE need to be
11 expanded and we have touched on this before with
12 previous speakers.

13 There are several historic resources in
14 either of the adjacent neighborhoods that are either
15 currently outside the APE, that provides the
16 historic complex of Front Park and historic
17 resources listed on the National Register of
18 Historic Places and/or historic resources not yet
19 identified in adjacent neighborhoods. Some of those
20 previously stated were the pumping station, the CPO
21 Club, the Buffalo Yacht Club as well as the bank.
22 So I would propose before moving forward with any
23 conclusions to re-examine the APE.

1 MR. STREETT: Thank you. Thank you.

2 MS. MECCA: Does anyone have a berm I can
3 stand on? Kathy Mecca, President, Niagara Gateway
4 Columbus Park Association. These comments I'd like
5 entered into the record on behalf of the Prospect
6 Hill Historic District.

7 All of the elements, concerns and
8 adverse impact raised by the Prospect Hill Columbus
9 Park Historic District as stated in Section 106
10 meeting, transcript and written statements from the
11 2008 through 2011 when the federal highway with
12 these agents in the 2007 proposed Peace Bridge
13 Expansion Project remain unchanged. We're the same
14 communities living adjacent to the second busiest
15 international bridge crossing in the United States.
16 Within the same stretch of the New York State
17 Thruway surrounded by the same nationally protected
18 Olmsted Park built along side of Lake Erie and the
19 Niagara River. Therefore, the collective community
20 is stating the following for the record. In January
21 2012, the Federal Highways Federal Register
22 published a notice to rescind terminating the EIS
23 process, the 2007 Peace Bridge Expansion Project,

1 thus terminating their roles as lead agents in the
2 project. And this is a quote from that federal
3 register. "As a result of the comprehensive
4 environmental review and coordination with federal
5 and state resource agencies the community and
6 resource agencies' concerns, relating to historic
7 impact relocation and other environmental impacts,
8 were at this time becoming increasingly paramount."
9 Therefore, it is our belief that the same historic
10 and environmental challenges for shutting down the
11 previous transportation project continues to exist
12 today. None of the presenting issues were resolved
13 because the Section 106 process ended abruptly prior
14 to the federal notice to rescind. Both the federal
15 highway and DOT were involved in the 2007 through
16 2012 process.

17 Today we are here because the DOT is the
18 lead agent for a Peace Bridge Transportation Project
19 and co-partnering with federal highway. The same
20 government agent, the same Peace Bridge crossing,
21 the same area of potential effect so how could the
22 outcome be any different.

23 We object to the report prepared by

1 Nathan Montague and Doug Perrelli because it uses
2 the same flawed information from the 2007 report.
3 In 2008 Mr. Perrelli told consulting parties members
4 after a tour of the APE, that its team was advised
5 by DOT not to assess individual properties,
6 buildings or streets, other than what was included
7 in their contract. We have no reason to believe
8 that this isn't happening again.

9 Therefore, we reject the report as an
10 objective document because it is influenced by the
11 contractual relationship between the author and the
12 DOT and does not objectively evaluate the totality
13 of the historic community.

14 According to the ACHC guidelines to
15 Section 106, agencies should not make obligations to
16 take other actions that would preclude consideration
17 of the full range of alternatives to avoid or
18 minimize harm to historic properties before Section
19 106 review is completed. However, the DOT has
20 already issued a letter of interest, designed built
21 services for road and bridge construction to
22 potential bidders. The DOT issued a coordination
23 plan on July 11th outlining on page 6 and 7 a full

1 accounting of the anticipated timeline for the
2 intended project. On July 26th the DOT identified
3 the range of alternatives prior to even engaging in
4 Section 106 information that most of us here don't
5 have or had a chance to look at.

6 Only one date was given for Section 106
7 process which is today. Tomorrow on July 31st, they
8 are holding a conference call with cooperating
9 agencies which include the City of Buffalo and the
10 County of Erie. Part of the participating agency's
11 role is to provide input and the range of
12 alternatives to be considered in this building
13 process. Does the timeline allow the participating
14 agencies enough time to perform their role to
15 provide input on alternatives?

16 In a letter dated August 10th, 2012,
17 the then PBA chairman Sam Houett received a letter
18 from the New York State Department of DOT
19 Commissioner Joan McDonald that states, quote,
20 "Although the concept of the direct connection ramp
21 appears plausible, there is no funding currently
22 available to cover the estimated cost of 24 to 29
23 million dollars. What caused the commissioner to

1 change her position and find the money? What is the
2 pressing need to build this project right now?

3 This project is not required by the
4 Department of Homeland Security, the General
5 Services Administration or Customs and Boarder
6 Protection. It did not receive board approval from
7 the PBA yet it is called the New York Gateway
8 Connections Improvement Project to the Peace Bridge.

9 The PBA itself is not a lead agent or
10 consulting member to this project. In fact, they
11 submitted a number of concerns outlining the
12 potential negative impact this project could create
13 during peek hours on the U.S. Plaza. The PBA's
14 concern that the egress from the Plaza and Customs
15 Inspection could be disrupted during the
16 construction period. Any disruption to the U.S.
17 Plaza has an adverse impact on the adjacent park
18 lands, local streets and historic community.

19 The PBA will be implementing their own
20 on Plaza construction projects and renovating the
21 commercial customs building and widening the
22 approach to the bridge. This will be happening
23 simultaneously with the Gateway Project. What

1 coordination efforts have been made between agencies
2 during the construction phase of two major projects
3 to insure that Front Park, Prospect Hill Historic
4 District and access to the water front will not be
5 adversely impacted.

6 Governor Cuomo, and other elected
7 officials, have made public statements that the
8 state will be involved in expanding the U.S. Plaza.
9 The New York State Empire State Development
10 Corporation has purchased the Episcopal Church Home,
11 the three point seven acre parcel of land, for
12 future use for the Peace Bridge.

13 The ESD has issued an RSP for
14 demolition of all the buildings on the property
15 except for the landmark Gordon home and the
16 Hutchinson Chapel.

17 The pending use of the property
18 continues to be shrouded in secrecy. The demolition
19 at the Episcopal Church Home will be happening at
20 the same time as the Peace Bridge renovation, the
21 widening of the bridge entrance and the Gateway
22 Connections Project. Front Park and Prospect Hill
23 will be surrounded by construction projects on all

1 fronts.

2 Governor Cuomo said in 2012, that the
3 state would take Busti Avenue for the Peace Bridge
4 expansion, but no plans have been public. No one
5 knows why the state wants Busti Avenue.

6 The Gateway Connections Project and the
7 Peace Bridge Plaza Renovation Project and the
8 purchase of the Episcopal Church Home are being
9 identified as separate independent projects from one
10 another, while they all have one common goal;
11 facilitating traffic entering and leaving the Peace
12 Bridge. Therefore, the collective community
13 considers all of these projects to be interconnected
14 requiring one scoping process, one environmental
15 review underneath the seeker and federal
16 transportation law 4F. Failing to do so constitutes
17 segmentation which violates State Supreme Court
18 ruling.

19 The DOT and the Federal Highway has
20 failed to take into consideration Olmsted's previous
21 position on Peace Bridge projects for the removal of
22 Baird Drive. Specifically for public statements
23 made by Olmsted in 2008, 2009, 2010 and 2011

1 opposing any additional Peace Bridge projects that
2 required the use of any public park or historic
3 site, unless all feasible alternatives are explored.

4 In the 2010 legal brief Olmsted
5 criticized the Federal Highway for failing to
6 address key issues pertaining to the impact of the
7 2007 Peace Bridge Expansion Project on Front Park
8 and surrounding Prospect Hill neighborhoods. Sorry.
9 I have asthma.

10 Specifically the removal of Baird Drive,
11 as part of the broader proposal to reconfigure
12 traffic patterns relating to the Peace Bridge
13 constitutes a direct quote "use" of the park itself.
14 And such removal without associated restoration of a
15 historic park wing on which Baird Drive is situated,
16 quote "undisputedly constitutes a direct use of park
17 land with noise, air pollution and general
18 unsightliness." Such destructive uses are clearly
19 present at Front Park.

20 The community is at a loss to explain
21 why DOT and the Federal Highway would intentionally
22 ignore Olmsted's position and negotiate an agreement
23 with them to take Baird Drive out of Front Park when

1 the historic park is owned by the city of Buffalo
2 and not Olmsted.

3 The Community would like to know what
4 involvement the City of Buffalo has had in this
5 agreement to remove Baird Drive from a nationally
6 registered park. It is our belief that such an act
7 would require an involvement from the Buffalo Common
8 Council.

9 What weight was given to the legal
10 ground identified in the 2010 brief before the State
11 decided to take Baird Drive out of Front Park. What
12 is the plan and funding to fully restore the park,
13 remove all noise and air pollution and general
14 unsightliness as a result of the change of traffic
15 patterns and elevated ramps that will surround the
16 front.

17 DOT and Federal Highway should be able
18 to demonstrate the benefits the ramp road connection
19 project will bring to users of Front Park and the
20 adjacent Prospect Hill neighborhood had and its
21 residents before concluding section 106 or moving
22 forward with the project.

23 And lastly, why did the DOT and the

1 Federal Highway ignore, on November 29th, 2007 EPA
2 report which states that other alternatives to
3 building additional infrastructure to Peace Bridge
4 crossing should be explored. Specifically routing
5 all truck traffic to the Lewiston-Queenston Bridge.

6 Also ignored were two City of Buffalo
7 common council resolutions calling for the merger
8 from the Public Bridge Authority and the Niagara
9 Falls Bridge Commission and to evaluate removing the
10 commercial truck traffic off the Peace Bridge.

11 Governor Cuomo's 2012 Stage Commission
12 Report calling for a need to further study merging
13 with the two bridge authorities. And in 2012 the
14 EPA designated Buffalo's impoverished lower west
15 side a community of environmental justice because of
16 the disproportionate volume of diesel exhaust coming
17 from heavy commercial traffic. The DOT has chosen
18 to ignore the EPA findings. Two letters from the
19 residents of Prospect Hill Historic District,
20 rejecting and objecting any transportation projects
21 leading to the Peace Bridge without first conducting
22 the study to move the commercial trucks off of the
23 Peace Bridge. And two reports issued by the

1 Partnership for Public Good and its 100
2 participating members converged the Bridge Authority
3 to move the commercial trucks off of the Peace
4 Bridge.

5 It is incumbent upon our government
6 agencies to embrace this information and not dismiss
7 it before spending taxpayer dollars. Thank you.

8 MR. ROBINSON: Terry Robinson,
9 Preservation Buffalo Niagara. I obviously have very
10 little to add to Kathy's comprehensive statement.
11 And really I kind of echo most of the statements
12 that have already been made.

13 The one point that I think everyone has
14 made, and I think it can't be over emphasized, is
15 that this project is not another off ramp on a state
16 highway along some nondescript area. That this is
17 in many ways the probably second most significant
18 scenic resource within the region. I would say
19 second only to perhaps Niagara Falls, but it's
20 linkage to Niagara Falls is obviously inextricable.
21 It is a component of the Olmsted plan and the
22 Olmsted's plan for the reservations at Niagara
23 Falls. He obviously complimented it with his -- at

1 the source -- at the source of the Niagara River
2 there in that view scape. It is of incomparable
3 value, the scenic resource that is there. I note
4 and I'm kind of at a loss to explain at how it can
5 be attempted to be compartmentalized in so narrow a
6 manner.

7 The two most important words to
8 preservation to history are prospective and context.
9 And to remove -- to attempt to remove this resource
10 completely from its context, its relationship to the
11 surrounding neighborhoods and its historic resources
12 within that vicinity is making a mockery of all of
13 the 106, seeker, coastal zone management and other
14 processes that have been put in place to protect
15 just such resources. So I would really recommend
16 that everyone take just a step back and reevaluate
17 and say does this serve the purpose of what these
18 regulatory guidelines give us? Does it protect the
19 scenic resources? Does it protect the historic
20 resources? There is always going to be a balance
21 between the economic and environmental whatever
22 benefits. But are we weighing those accurately?
23 Are we weighing them honestly?

1 The leak to the no finding, without
2 even a mention of policies 23 and 24 of the Coastal
3 Zone Management. Policy 23 to protect, enhance and
4 restore structures, districts, areas or sites that
5 are significant in the history, architecture,
6 archeology or culture of the state, its communities
7 or the nation, and the wonderful explanation that is
8 given there, I think not. And also prevent
9 impairment under policy 24 of scenic resources of
10 state wide significance.

11 In the late 60's what was it? If you're
12 not part of the solution, you're part of the
13 problem. So even if it does not necessarily erect
14 some sort of new and penetrable barrier. Does it
15 reenforce? Does it act to mitigate destructive
16 actions that have already occurred.

17 The destruction of Olmsted's -- well,
18 Olmsted's are scenic view scapes from the Old Fort
19 Porter in the front are almost exclusively the
20 product of two agencies; the Public Bridge Authority
21 and the New York State Department Of Transportation
22 historically in placing the Thruway there and the
23 bridge. They are there. It's fact, but the

1 question is does every action we take reinforce
2 and/or aggravate those past actions or does it in
3 some way mitigate or move forward to restore and
4 enhance what exists there right now? I think that
5 that sort of context is really for us as
6 preservationists, as citizens of the city of
7 Buffalo, what we would like to see. We would like
8 to see the best plan, given whatever existing
9 parameters exist. We still require the best plan
10 that New York State, DOT, FHWA, PBA can come up
11 with. How this can be segmented from the other
12 improvements and/or proposals, including the State
13 and National Register eligible Peace Bridge is
14 beyond me. I mean, I see no mention of it even
15 though it's obviously the elephant in the room.

16 In terms of the integrity of certain
17 things like the previous studies would seem to be
18 driven to arrive at this no effect. I'm at a loss
19 to explain how it can completely omit any mention of
20 the significance of what is essentially the river
21 crossing, the ferry before the bridge, the bridge,
22 river crossing and its significance in terms of
23 African-American history is incredible. The

1 Italian-American history in the region over a period
2 of roughly a century, with absolutely no mention and
3 no archeological effects and no presence in an
4 attempt to set the setting even of the historical
5 statement of the significance of the area, once
6 again to me is incomprehensible. To completely omit
7 the ethic cultural significance in the area and the
8 historical significance within that perimeter of
9 roughly a couple miles, the building of -- well, the
10 capture of the boats on the Fort Erie side, the
11 resetting of them at the old Navy yard and the
12 launching of Perry's Fleet from that vicinity,
13 complete omission of that and to concede that there
14 could be no linkage; that's the part to me as I lose
15 is the no linkage.

16 You can not approach this thing in so
17 narrow a way with so defined a scope to attempt to
18 achieve a traffic solution with all of the attended
19 things that that brings on the neighborhood. I'm
20 not even getting into the traffic. We not getting
21 into the environment. We are not getting into the
22 process issues here. Other than those process
23 issues that seem to me to be fatal to a legitimate

1 106 analysis of this project. To constrict them in
2 this way is really a disservice to everyone and
3 briefly that's it.

4 MR. STREETT: Yes. In the back.

5 MS. DETINE: Hi, I'm Linda DeTine. I'm
6 just a neighborhood resident and member of Columbus
7 Park Association. We all live over in Prospect
8 Hill.

9 First of all, we just want to say, you
10 can ignore those Prospect Hill historic district
11 boundaries in your materials because that's
12 somebody's idea of what Prospect Hill should look
13 like, but it's not the residents' idea and those
14 boundaries were never formally adopted or agreed to.
15 We think our district is a lot larger than that.

16 I do concur with Preservation Buffalo
17 Niagara's comments, Clint Brown's comments and Kathy
18 Mecca for the neighborhood.

19 In addition, to needing -- to those
20 comments. In addition, we need not just visible
21 view sheds in other to evaluate, but also data on
22 the noise impact. For example, a roundabout is
23 likely to create more noise than not having a

1 roundabout. So you might be moving some noise away
2 from -- closer to Busti, but increasing the noise
3 down for the users of the park. So we would need to
4 see what's going to happen noise wise from
5 changing -- as Terry was talking about, those
6 traffic patterns.

7 Also, we do want to object to the fact
8 that apparently Olmsted Conservancy was given the
9 benefit to come in earlier in the process and
10 actually have input on the various options that
11 might have been discarded or considered. What we
12 are looking at now appears to be something that one
13 organization was invited to weigh in on. The
14 residents are not part of that organization. I
15 don't know if anybody that got to weigh in lives
16 even in the neighborhood. No offense, Thomas, but
17 their executive director lives in Orchard Park. I
18 think it's against the spirit, if not the letter of
19 the law, to invite one not for profit in at such an
20 early stage and have so powerful of a voice before
21 you have consulted the residents who are actually
22 going to live with this.

23 I also want to point out and object

1 because the project as a whole further imbeds the
2 notion that we are going to have an expressway, a
3 high speed expressway between the park and the
4 water. Buffalo's comprehensive plan I believe still
5 has proposals to drop this down to a parkway. So
6 any dollar we spend, further intrenching this as an
7 expressway site, puts the idea of a parkway instead
8 into further impossibilities. The last time the
9 citizens, not the Olmsted Conservancy, but the
10 citizens were pulled as part of the green code, the
11 citizens don't want the 109. The citizens want a
12 parkway.

13 I also want to point out that Olmsted
14 himself was hired by the City to bring the park down
15 to where the yacht club and the rowing club and so
16 forth to have the parkway go right to the water's
17 edge. And again, this plan further cuts off the
18 neighborhood and the users of the park from the
19 water, but also creates an impossibility that
20 Olmsted's plan, that Buffalo at one point supported,
21 is never going to become a reality. Again, every
22 time we put more infrastructure in here, we are
23 creating so many barricades we will never get back

1 what the citizens want.

2 You know, what we have right now, if you
3 do this, Oliver Perry in his statute is not going to
4 be looking at the lake, he is going to be bravely
5 gazing out at a ramp. I just don't think that's
6 what Olmsted intended. I think that is it. Let me
7 just check. Yes, that's it. Thank you.

8 MR. STREETT: I just want to give the
9 opportunity to anybody on the phone. Do you have
10 any comments that you would want to offer?

11 MS. WARBIDSKI: This is Tanya. Not at
12 this time. I think many of the people who spoke
13 regarding the limitations are opposed by the -- what
14 is drawn on the map as the APE are speaking very
15 clearly, very forcefully to that point and the
16 Preservation League will take all of that into
17 account. And we will certainly avail ourselves the
18 opportunity to provide written comments by the
19 deadline of August 30th. This has been a very, very
20 informative session.

21 MR. STREETT: We are not done yet,
22 Tanya. I didn't want to give you the false
23 impression yet.

1 MS. WARBINSKI: No, no, that's our
2 intention.

3 MR. STREETT: Okay, all right. Thank
4 you. Anyone else?

5 MR. ROBINSON: I have a question, just
6 one question. This project seems to have -- come
7 from the previous, you know, 11 year process and
8 there are some reference within the materials to the
9 previous 180 studies and that sort of thing. I
10 haven't been able to draw the 5753.8 project number
11 on either the DOT or FHWA sites, which I suppose is
12 where that material is. If they spent 10, 11 years
13 doing a lot of work there, I would think that would
14 be kind of -- I know it would be valuable to me to
15 be able to access a lot of that prior work on the
16 historical resources.

17 MR. HITT: You're talking about project
18 information for the old project, not this project,
19 right?

20 MR. ROBINSON: Right.

21 MR. HITT: We can look it up and we can
22 make it available if it applies to this project, but
23 when we asked UB to update the study, we just

1 referred to the information that was needed for this
2 project.

3 MR. ROBINSON: You know, there were the
4 filters there that said planned, complete, in
5 progress. I was looking under the complete and --
6 but I don't know how long you archived the projects,
7 but I guess I can get a link to that stuff.

8 MR. HITT: We will pull it up and we'll
9 see what it is and we'll make it available.

10 (Break in the proceedings.)

11 MR. STREETT: Can we get started here?
12 I guess we are getting close to wrapping up. We
13 want to make sure that everyone has had an
14 opportunity. Do we have any additional comments
15 that that you would like to provide?

16 MR. OBERST: I have some additional
17 comments.

18 MR. STREET: Would you mind coming up?
19 Just state your name again.

20 MR. OBERST: No.

21 MR. STREET: Just state your name again.

22 MR. OBERST: Yes. It's Alan Oberst with
23 the Vision Niagara Group.

1 I did have something else that was
2 important to say heritage related. The Vision
3 Niagara Group is working on improvements to the old
4 industrial section of Niagara Street that has like
5 old industrial character, kind of between Busti and
6 the Scajaquada north of the Peace Bridge area.
7 There is a lot of industrial heritage there, just
8 north from the Peace Bridge.

9 One thing we have been looking at is a
10 master plan for that area that would include some of
11 the business stakeholders like Rich Products. And
12 in the course of that master planning work, we have
13 been looking a lot at the heritage in that area.
14 Some of it is the War of 1812 heritage. Real early
15 Buffalo stuff. In fact, there are structures there
16 that are among some of the earliest built structures
17 remaining in the city of Buffalo, but they were part
18 of the original Village of Black Rock. And also the
19 industrial heritage is key because it was along the
20 canal and the railroad belt line. So you had things
21 like Curtis Aircraft, early automotive industry
22 there. Some very important things.

23 One of the things that we have been

1 looking at for our master plan, and we had some
2 preliminary work that was done by some UB students,
3 one of their studio classes, is a heritage trail or
4 an industrial heritage trail that would actually be
5 at the foot of the bank, between the foot of the
6 bank and the railroad tracks. It's something that
7 you might consider a rails width trails. The rails
8 width trails concept is recognized in transportation
9 planning. FHWA has specific guidelines. DOT have
10 the guidelines for rail width trail projects. And
11 we have actually done a couple of site visits to
12 look at this.

13 Now, there is some very important
14 historic features that are down there, including old
15 connections between these industrial facilities and
16 the canal and the railroad, but also what's down
17 there is the remnants of the original Black Rock.
18 You know the thing that so many geographic place
19 names in Buffalo come from Black Rock. Well, the
20 original Black Rock is there at the foot of the bank
21 near the foot of Hampshire Street. So we have been
22 looking at doing a trail that would also give people
23 access to this very important historic site.

1 Now, the reason this ties in so much
2 with the project's area that you all are looking at,
3 and the boundaries that you have shown us, is you're
4 looking at reconfiguring the Riverwalk and
5 potentially moving the pedestrian bridge. Well, in
6 order to get down to the area where we would be
7 looking at footing the trail, we have to have a way
8 to get people down there from the existing
9 Riverwalk. What we have looked at today indicates
10 the most feasible place to do that is where the
11 current pedestrian bridge is because it would allow
12 you to put a ramp that would get people down to
13 where that trail might be in the future. So I think
14 as you all do this work and look at moving the
15 pedestrian bridge, for example, we need to at least
16 be cognizant of that potential opportunity for that
17 heritage trail, that historic trail, and how that
18 can be connected up to the rest of the Riverwalk.
19 Even if it doesn't exist yet, you know, either have
20 a ramp to it or just design whatever is there in
21 such a way that that connection could be added in
22 the future. So, you know, to the degree to which
23 you would want to look at, you know, what the

1 heritage elements are a little bit north of there,
2 you know, just so that people understand the future
3 significance of that connection, you know, that
4 would help justify putting into the project whatever
5 could be put into the project along those lines. So
6 I hope drawing some of those connections makes sense
7 to you all.

8 And the other thing that I just wanted
9 to say about the project in general and has to do
10 with segmentation and we know that there has been
11 talk about, you know, the city selling Busti out.
12 We know that there was work done earlier this year
13 to demolish historic homes. There was pushback
14 against that. There were lawsuits, but they went
15 ahead and did it anyway. And that's just -- they
16 had a very important purpose for wanting to take
17 those homes down. We don't know what that purpose
18 was or is, but we know there was some purpose there.
19 So I think this project, without knowing what's in
20 line there, we don't know to what degree this
21 project and things that you're looking at doing here
22 could be a prelude or a precursor or a prerequisite
23 to other things that are being considered for

1 whatever the reason is Busti Avenue is going to be
2 shut down. Whatever is going to be built where
3 those historic homes were demolished. So what looks
4 like to me, without knowing those other things and
5 putting those into the mix, this does look like
6 segmentation because you can't look at all the
7 discussion about Busti and the demolitions that were
8 done there without saying, obviously, there is some
9 intention there. And, you know, you can't look at
10 the rest of the things that are being discussed here
11 without saying, well, there may be some connection
12 between these projects and what's intended for
13 whatever is going to happen there at Busti Avenue.

14 So I think all of these things need to
15 be considered. I don't -- it just doesn't make
16 sense on the face of it to look at these things that
17 we are talking about today in isolation from those
18 other things that might happen in the future. So it
19 does look like a potential case of segmentation and
20 I think that is against the spirit and the letter of
21 the law and the regulations. Thank you.

22 MS. MECCA: Kathy Mecca from Columbus
23 Parkway. Will we be receiving a copy of the

1 transcript?

2 MR. STREETT: Yes. We'll be covering
3 that in a minute. How about additional input from
4 anyone? Anyone on the phone that would like
5 additional comments? It sounds like somebody is on
6 the phone there. So I guess -- okay. I guess what
7 maybe we will do is start the closeout here. We do
8 have some additional information to provide you.

9 We do want to clarify the process here
10 though because I heard a couple of references to the
11 process ending today or this is the last chance you
12 get to talk. This is the beginning of this process,
13 from my prospect, the 106 process. There is a 30
14 day -- is that correct, Dan?

15 MR. HITT: Yes.

16 MR. STREETT: Thirty day comment period
17 on the process on the effects that were being
18 discussed and, Dan, do you have additional things
19 that you want to mention?

20 MR. HITT: Well, the effect finding that
21 went out yesterday, was only -- we sent it to
22 everybody because we didn't want to miss anybody
23 because we know people weren't going to make it

1 today, but the intent was it would be handed out
2 today and then you have until August 30th to review
3 and comment. So it wasn't meant to get it yesterday
4 and review by today. It was just, we sent it to
5 everybody so we didn't have to try and figure out
6 who made it and who didn't make it and all that.

7 MR. STREETT: So you have 30 days to
8 review all this information and provide feedback to
9 us. Actually there is no attempt here to cut you
10 off and this will be your only chance for input.

11 MS. PERLA: Carole Perla, Columbus
12 Parkway. Are you planning another meeting that we
13 can continue this?

14 MR. HITT: We haven't decided yet
15 whether we are having another meeting yet or not.

16 MS. PERLA: What happens to our comments
17 then?

18 MR. HITT: The comments you made today
19 you will receive -- all the consulting parties will
20 receive a copy of the transcript. We will consider
21 all the comments that have been made, both in the
22 next step of the effect -- you know, with wrapping
23 up the effect determination as well as what we do in

1 preparing the DEIS. Now, if there are changes with
2 the project between now and the end of the August
3 we'll have to --

4 MS. PERLA: There seem to be so many
5 changes with not a roundabout, maybe a roundabout.

6 MR. STREETT: That will not be decided
7 during this phase of the project. Those are options
8 that we will carry forward into the DEIS. We need
9 additional research analysts analyzing the different
10 factors to see which one serves the best purpose in
11 the project.

12 MS. MECCA: Hi, Kathy Mecca again. I
13 know you say that we have until August 30th, but
14 myself and others that are sitting here at this
15 table, we are just ordinary citizens. We don't work
16 for the government. We don't work for an agency.
17 So when we receive after the fact the draft findings
18 of the preliminary assessment and its effects, then
19 if I'm going to respond to that and not have another
20 section 106 meeting then I basically am looking at
21 this information and responding to it in a vacuum by
22 myself without having any dialogue with the Federal
23 Highway or the DOT. So giving us an opportunity to

1 look at this information, digest this information
2 and come back to another meeting to interact with
3 you and have and get an open dialogue about this
4 document certainly is reasonable, is a reasonable
5 request.

6 MR. HITT: We'll consider the comments
7 and we will decide when we get to that point.

8 MR. STREETT: In consultation with FHWA,
9 who has oversight over the DOT.

10 MR. HITT: We were not deciding today if
11 we are having another meeting or not. We will
12 consider the comments made. We will discuss it with
13 the Federal Highway as well as the council of SHPO
14 and then we will decide what the next step is.

15 MR. CERTO: Peter Joseph Certo. So if
16 there is no additional meetings, our next
17 opportunity to comment would be the public hearing
18 after the DEIS?

19 MR. HITT: If that scenario plays out,
20 yes.

21 MR. STREETT: Question in the back?

22 MR. OBERST: Alan Oberst. I'm asking if
23 there were people here today from ACHP?

1 MS. LEGARD: Carol Legard from ACHP.

2 MR. STREETT: For those on the phone if
3 you didn't hear, Dan had indicated that the
4 transcript will be sent out to all consulting
5 parties. Any other questions, comments?

6 MS. WARBIDSKI: The only comment I have
7 at this time, this is Tanya, is the meantime the
8 mailing that you spoke of did arrive.

9 MR. STREETT: Thank you for confirming
10 that.

11 MS. WARBIDSKI: I'm very glad it's here.
12 It sure is a lot more interesting.

13 MR. STREETT: So you should have the
14 complete package of everything that was presented
15 earlier.

16 MS. WARBIDSKI: I had the earlier
17 package, but the one I guess that was the overnight
18 just came.

19 MR. STREETT: Okay.

20 MS. LEGARD: Carol Legard again ACHP. I
21 just would like to -- I guess I'm hoping that by way
22 of coordinating your EPA and 106 that there can be
23 sort of a feedback loop where the information you

1 take in from consulting parties factors in -- gets
2 worked into the alternatives in the DEIS and also
3 these folks get a chance after the DEIS comes out,
4 to have that information to help address the
5 concerns that they have been raising about visuals,
6 noise impacts, traffic changes. I mean, is that
7 DEIS going to provide some of the information that
8 might address some of those issues that were made?

9 MR. STREETT: Absolutely, yes. One of
10 the things that has happens in the DEIS, I'm sure
11 you're aware, is of from the scoping meeting and
12 from the scoping report you get input from the
13 public, you hear what their concerns are and you
14 hear suggestions of how to help the public
15 understand what the project is trying to present.
16 The request for visual -- ways to visualize what is
17 being built, the ramps. Are the ramps a 100 feet up
18 in the air or are the ramps down closer to the
19 ground. To provide that kind of information to you,
20 I don't know how we can do a visualization, but we
21 will try to come up with some way to project that
22 and to present it to the public so you have a better
23 visualization of what is being presented. So part

1 of the input of this today is hearing what your
2 concerns are and having those addressed as part of
3 the DEIS. That is a very important aspect.
4 Anything else? Then given no more comments I
5 believe we are --

6 MS. WARBIDSKI: This is Tanya from the
7 Preservation League. There has been some comments
8 made about the obvious topic that is out there which
9 is the larger Peace Bridge project. Let me ask a
10 very simple, maybe simpleminded question. Would we
11 be talking about this project were it not for the
12 larger plaza, Peace Bridge project that has been the
13 subject of years of discussion, planning, design?

14 MR. STREETT: Well, this project has
15 independent utilities, so from the perspective that
16 it serves a purpose of providing direct
17 transportation link to I-90 northbound. So it, in
18 and of itself, has independent utility and creates
19 its own purpose, within its own confines from the
20 plaza to I-90 northbound. So, yes, I think there is
21 a reason to be able to -- for this project to move
22 forward by itself. Does that answer your question?

23 MS. WARBIDSKI: Well, it makes me wonder

1 about the scheduling of everything from end of
2 review to construction. It's just hard to imagine
3 that a project with this proximity to that larger
4 project and overall the big picture is moving
5 traffic, that there isn't a linkage and, therefore,
6 if there is a linkage, it would beg the question of
7 segmentation and that has been brought up by some
8 others.

9 MR. STREETT: Okay. I guess I would
10 suggest that maybe additional information can be
11 provided in the DEIS to help elevate those concerns.

12 MS. WARBIDSKI: Anymore information, any
13 greater clarify would help, but it's hard -- it begs
14 the question of, gee, just a coincidence? That's a
15 little bit tough to understand at this point. Thank
16 you.

17 MR. STREETT: All right. I asked before
18 any other comments or questions? All right. I
19 guess we are ready to close out. I thank everybody
20 for coming today and we hope in the next week or so
21 we should be publishing a sloping report.

22 MS. WARBIDSKI: Thank you for the
23 opportunity to be on the phone. It's a big help.

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1 STATE OF NEW YORK

2 COUNTY OF ERIE

3 I, Susan Capobianco, a Notary Public in and
4 for the State of New York.

5 Present at the New York Gateway Connections
6 Improvement Project to the U.S. Peace Bridge Plaza,
7 Section 106 Consulting Party Meeting, on Tuesday, July
8 30th, 2013, that said hearing was taken down before me
9 at said time and place herein set forth. Said hearing
10 minutes were taken down in shorthand by me and
11 thereafter under my supervision transcribed into the
12 English language.

13 IN WITNESS WHEREOF, I have hereunto
14 subscribed my name this 30th day of July, 2013.

15
16
17
18 _____
19 Susan Capobianco
20 Notary Public, State of New York
21
22
23

<p>1</p> <p>10 [2] - 32:21, 81:14 100 [3] - 1:6, 72:3, 93:19 106 [37] - 1:4, 3:19, 3:22, 17:11, 17:18, 18:8, 18:20, 18:23, 19:17, 19:19, 19:20, 20:6, 21:16, 21:17, 21:23, 22:1, 22:8, 22:19, 30:8, 39:4, 48:19, 54:13, 61:8, 62:11, 63:15, 64:17, 64:21, 65:6, 65:8, 70:23, 73:15, 77:3, 88:15, 90:22, 93:1, 97:7 109 [1] - 79:13 10th [1] - 65:18 11 [2] - 81:9, 81:14 110 [1] - 33:1 11:45 [1] - 50:15 11th [2] - 22:15, 65:2 12232 [1] - 1:16 12th [1] - 42:12 14202 [1] - 1:19 15 [1] - 48:14 180 [1] - 81:11 1812 [1] - 83:16 1870's [1] - 59:20 1871 [1] - 49:11 1897 [1] - 18:5 190 [3] - 32:6, 40:10, 40:15 1:00 [1] - 1:7</p>	<p>29th [1] - 71:3</p> <p>3</p> <p>30 [4] - 27:17, 28:17, 88:15, 89:9 30th [6] - 1:7, 80:21, 89:4, 90:15, 97:8, 97:14 31st [1] - 65:9 350 [1] - 1:19 36 [2] - 18:18, 28:23 3D [6] - 58:4, 58:7, 58:8, 58:11, 58:18, 60:8 3rd [1] - 34:3</p> <p>4</p> <p>4 [2] - 29:4, 50:23 40 [1] - 1:19 4F [1] - 68:18</p> <p>5</p> <p>5 [4] - 6:22, 7:1, 10:18, 17:16 50 [4] - 1:16, 24:17, 24:18, 24:20 5753.8 [1] - 81:12 5th [1] - 34:12</p> <p>6</p> <p>6 [2] - 46:7, 65:2 60 [1] - 51:18 60's [1] - 74:13 6E41 [1] - 1:15</p>	<p>abruptly [1] - 63:15 absence [1] - 38:18 absolutely [2] - 76:4, 93:11 abutment [2] - 15:18, 15:19 access [14] - 8:6, 8:8, 8:11, 10:13, 12:8, 32:7, 36:20, 40:19, 47:16, 56:11, 56:14, 67:6, 81:17, 85:2 accessing [1] - 9:4 accommodate [1] - 19:1 accompanied [1] - 21:14 accomplish [1] - 8:14 accordance [1] - 39:4 according [1] - 64:16 account [3] - 18:10, 56:13, 80:19 accounting [1] - 65:3 accurately [1] - 74:1 accused [1] - 18:1 ACHC [1] - 64:16 achieve [1] - 76:20 ACHP [4] - 18:15, 92:2, 92:3, 92:22 acknowledged [1] - 45:5 acre [1] - 67:13 act [2] - 70:8, 74:17 Act [1] - 18:9 action [2] - 19:20, 75:3 actions [5] - 19:4, 31:1, 64:18, 74:18, 75:4 activity [2] - 36:16, 39:6 actual [3] - 2:5, 2:15, 29:22 add [1] - 72:12 added [2] - 2:9, 85:23 addition [2] - 77:21, 77:22 additional [15] - 2:8, 3:16, 29:1, 29:23, 69:3, 71:5, 82:16, 82:18, 88:5, 88:7, 88:10, 88:20, 90:11, 91:18, 95:12 additions [1] - 38:23 address [6] - 8:5, 8:10, 48:1, 69:8, 93:6, 93:10 addressed [2] - 39:4,</p>	<p>94:4 adds [1] - 3:15 adequate [1] - 52:14 adjacent [9] - 29:16, 36:17, 60:13, 60:19, 61:16, 61:21, 62:16, 66:19, 70:22 adjust [1] - 34:6 Administration [1] - 66:7 adopted [1] - 77:16 Adversary [1] - 19:12 adverse [38] - 2:18, 21:19, 26:23, 27:1, 27:3, 27:5, 27:6, 27:7, 27:14, 27:15, 27:16, 27:21, 27:22, 28:3, 28:11, 28:19, 28:20, 28:22, 29:1, 29:5, 29:8, 29:17, 29:20, 30:2, 30:7, 35:18, 35:22, 37:12, 37:20, 38:19, 38:22, 59:8, 60:4, 61:11, 62:10, 66:19 adversely [1] - 67:7 advised [1] - 64:6 advisory [1] - 20:5 Advisory [2] - 4:12, 18:13 advocate [1] - 53:7 advocated [1] - 46:1 advocating [2] - 51:19, 52:4 aegis [1] - 44:4 aerial [3] - 10:2, 10:8, 12:3 affect [13] - 12:5, 18:11, 19:8, 20:3, 22:6, 26:20, 29:7, 50:3, 54:22, 55:8, 55:11, 55:22, 56:11 affected [3] - 23:21, 26:18, 27:2 affective [1] - 27:23 affects [4] - 19:10, 20:9, 56:6, 56:18 African [1] - 76:2 African-American [1] - 76:2 afternoon [4] - 2:1, 30:19, 30:23, 31:6 age [1] - 24:16 agencies [10] - 18:10, 18:19, 20:23, 63:7, 64:17, 65:11, 65:16, 67:3, 72:8, 74:22 agencies' [1] - 63:8 agency [2] - 21:8,</p>	<p>90:18 agency's [1] - 65:12 agenda [2] - 3:18, 48:18 agent [3] - 63:20, 63:22, 66:11 agents [2] - 62:14, 63:3 aggravate [1] - 75:4 ago [4] - 8:4, 13:13, 33:21, 34:2 agreed [2] - 30:6, 77:16 agreement [4] - 30:5, 38:20, 70:1, 70:7 ahead [3] - 11:1, 34:13, 86:17 air [6] - 56:17, 56:18, 58:22, 69:19, 70:15, 93:20 Aircraft [1] - 83:23 ALAN [1] - 53:23 Alan [2] - 83:1, 92:1 Alan's [1] - 60:7 Albany [1] - 1:16 allow [2] - 65:15, 85:13 allows [3] - 51:16, 51:21, 51:22 alluded [1] - 50:19 almost [2] - 11:22, 74:21 Almost [1] - 53:8 alter [3] - 36:1, 36:10, 37:8 alteration [1] - 26:14 alterations [2] - 23:1, 31:22 altered [2] - 29:19, 38:6 alternatives [9] - 17:9, 34:5, 64:19, 65:5, 65:14, 65:17, 69:5, 71:4, 93:4 alters [1] - 27:7 America [1] - 48:13 American [2] - 76:2, 76:3 amount [1] - 49:5 amounts [1] - 38:5 analysis [2] - 31:2, 77:3 analysts [1] - 90:11 analyze [1] - 20:2 analyzed [1] - 39:8 analyzing [1] - 90:11 Andy [2] - 4:7, 6:1 Anglia [1] - 6:16 Anker [1] - 4:16 ANKER [1] - 4:16</p>
<p>2</p> <p>2 [2] - 22:20, 50:18 20 [1] - 47:1 200 [1] - 29:9 2007 [6] - 62:14, 63:2, 63:17, 64:4, 69:9, 71:3 2008 [3] - 62:13, 64:5, 69:2 2009 [1] - 69:2 2010 [4] - 47:19, 69:2, 69:6, 70:12 2011 [2] - 62:13, 69:2 2012 [6] - 62:23, 63:18, 65:18, 68:4, 71:13, 71:15 2013 [2] - 97:8, 97:14 23 [2] - 74:4, 74:5 24 [3] - 66:1, 74:4, 74:11 26th [1] - 65:4 29 [1] - 66:1</p>	<p>7</p> <p>7 [2] - 46:7, 65:2</p> <p>8</p> <p>8 [1] - 46:7 800 [2] - 18:18, 28:23</p> <p>9</p> <p>9/11 [1] - 24:19</p> <p>A</p> <p>abatement [1] - 57:18 ability [1] - 25:16 able [10] - 17:17, 41:11, 55:2, 55:7, 57:21, 57:22, 70:19, 81:12, 81:17, 94:23</p>	<p>abruptly [1] - 63:15 absence [1] - 38:18 absolutely [2] - 76:4, 93:11 abutment [2] - 15:18, 15:19 access [14] - 8:6, 8:8, 8:11, 10:13, 12:8, 32:7, 36:20, 40:19, 47:16, 56:11, 56:14, 67:6, 81:17, 85:2 accessing [1] - 9:4 accommodate [1] - 19:1 accompanied [1] - 21:14 accomplish [1] - 8:14 accordance [1] - 39:4 according [1] - 64:16 account [3] - 18:10, 56:13, 80:19 accounting [1] - 65:3 accurately [1] - 74:1 accused [1] - 18:1 ACHC [1] - 64:16 achieve [1] - 76:20 ACHP [4] - 18:15, 92:2, 92:3, 92:22 acknowledged [1] - 45:5 acre [1] - 67:13 act [2] - 70:8, 74:17 Act [1] - 18:9 action [2] - 19:20, 75:3 actions [5] - 19:4, 31:1, 64:18, 74:18, 75:4 activity [2] - 36:16, 39:6 actual [3] - 2:5, 2:15, 29:22 add [1] - 72:12 added [2] - 2:9, 85:23 addition [2] - 77:21, 77:22 additional [15] - 2:8, 3:16, 29:1, 29:23, 69:3, 71:5, 82:16, 82:18, 88:5, 88:7, 88:10, 88:20, 90:11, 91:18, 95:12 additions [1] - 38:23 address [6] - 8:5, 8:10, 48:1, 69:8, 93:6, 93:10 addressed [2] - 39:4,</p>	<p>94:4 adds [1] - 3:15 adequate [1] - 52:14 adjacent [9] - 29:16, 36:17, 60:13, 60:19, 61:16, 61:21, 62:16, 66:19, 70:22 adjust [1] - 34:6 Administration [1] - 66:7 adopted [1] - 77:16 Adversary [1] - 19:12 adverse [38] - 2:18, 21:19, 26:23, 27:1, 27:3, 27:5, 27:6, 27:7, 27:14, 27:15, 27:16, 27:21, 27:22, 28:3, 28:11, 28:19, 28:20, 28:22, 29:1, 29:5, 29:8, 29:17, 29:20, 30:2, 30:7, 35:18, 35:22, 37:12, 37:20, 38:19, 38:22, 59:8, 60:4, 61:11, 62:10, 66:19 adversely [1] - 67:7 advised [1] - 64:6 advisory [1] - 20:5 Advisory [2] - 4:12, 18:13 advocate [1] - 53:7 advocated [1] - 46:1 advocating [2] - 51:19, 52:4 aegis [1] - 44:4 aerial [3] - 10:2, 10:8, 12:3 affect [13] - 12:5, 18:11, 19:8, 20:3, 22:6, 26:20, 29:7, 50:3, 54:22, 55:8, 55:11, 55:22, 56:11 affected [3] - 23:21, 26:18, 27:2 affective [1] - 27:23 affects [4] - 19:10, 20:9, 56:6, 56:18 African [1] - 76:2 African-American [1] - 76:2 afternoon [4] - 2:1, 30:19, 30:23, 31:6 age [1] - 24:16 agencies [10] - 18:10, 18:19, 20:23, 63:7, 64:17, 65:11, 65:16, 67:3, 72:8, 74:22 agencies' [1] - 63:8 agency [2] - 21:8,</p>	<p>90:18 agency's [1] - 65:12 agenda [2] - 3:18, 48:18 agent [3] - 63:20, 63:22, 66:11 agents [2] - 62:14, 63:3 aggravate [1] - 75:4 ago [4] - 8:4, 13:13, 33:21, 34:2 agreed [2] - 30:6, 77:16 agreement [4] - 30:5, 38:20, 70:1, 70:7 ahead [3] - 11:1, 34:13, 86:17 air [6] - 56:17, 56:18, 58:22, 69:19, 70:15, 93:20 Aircraft [1] - 83:23 ALAN [1] - 53:23 Alan [2] - 83:1, 92:1 Alan's [1] - 60:7 Albany [1] - 1:16 allow [2] - 65:15, 85:13 allows [3] - 51:16, 51:21, 51:22 alluded [1] - 50:19 almost [2] - 11:22, 74:21 Almost [1] - 53:8 alter [3] - 36:1, 36:10, 37:8 alteration [1] - 26:14 alterations [2] - 23:1, 31:22 altered [2] - 29:19, 38:6 alternatives [9] - 17:9, 34:5, 64:19, 65:5, 65:14, 65:17, 69:5, 71:4, 93:4 alters [1] - 27:7 America [1] - 48:13 American [2] - 76:2, 76:3 amount [1] - 49:5 amounts [1] - 38:5 analysis [2] - 31:2, 77:3 analysts [1] - 90:11 analyze [1] - 20:2 analyzed [1] - 39:8 analyzing [1] - 90:11 Andy [2] - 4:7, 6:1 Anglia [1] - 6:16 Anker [1] - 4:16 ANKER [1] - 4:16</p>

<p>answer [1] - 95:1</p> <p>Anthropology [1] - 33:5</p> <p>anticipate [1] - 17:3</p> <p>anticipated [1] - 65:3</p> <p>anyway [2] - 46:18, 86:17</p> <p>AP [4] - 23:4, 23:6, 30:17, 55:11</p> <p>APE [33] - 23:8, 23:13, 23:18, 23:22, 24:3, 25:20, 25:23, 26:4, 28:6, 31:8, 31:11, 31:23, 32:13, 33:20, 34:3, 34:10, 34:12, 34:15, 45:4, 45:19, 45:20, 49:10, 49:14, 54:18, 54:19, 55:19, 56:9, 58:15, 61:12, 61:17, 62:2, 64:6, 80:16</p> <p>appear [1] - 50:8</p> <p>applies [2] - 22:2, 82:1</p> <p>apply [1] - 27:15</p> <p>appointed [1] - 44:6</p> <p>appraised [1] - 34:8</p> <p>approach [2] - 67:1, 76:18</p> <p>appropriate [2] - 3:19, 33:8</p> <p>approval [1] - 66:8</p> <p>approvals [1] - 19:5</p> <p>approve [1] - 19:19</p> <p>approved [1] - 21:7</p> <p>April [1] - 17:5</p> <p>Archaeological [1] - 42:16</p> <p>archaeological [2] - 38:2, 39:1</p> <p>archeological [9] - 31:13, 33:13, 35:9, 35:22, 37:22, 38:8, 38:15, 39:5, 76:5</p> <p>Archeological [2] - 5:12, 7:3</p> <p>Archeologist [1] - 5:9</p> <p>archeology [1] - 74:8</p> <p>architect [2] - 5:8, 59:20</p> <p>architectural [1] - 31:10</p> <p>Architecture [3] - 6:10, 6:12, 47:11</p> <p>architecture [1] - 74:7</p> <p>archived [1] - 82:8</p> <p>area [61] - 9:22, 9:23, 11:17, 12:3, 12:14,</p>	<p>13:5, 13:12, 13:20, 13:23, 14:3, 14:13, 14:18, 22:21, 22:22, 22:23, 31:14, 31:15, 31:17, 31:20, 32:18, 32:22, 33:11, 33:14, 33:15, 33:21, 33:22, 34:18, 35:1, 35:3, 35:10, 35:17, 37:16, 38:3, 38:6, 39:8, 39:9, 39:11, 40:12, 41:4, 41:5, 41:6, 41:15, 41:19, 42:14, 44:10, 44:22, 54:2, 54:11, 57:8, 58:4, 61:10, 63:23, 72:18, 76:7, 76:9, 83:8, 83:12, 83:15, 85:4, 85:8</p> <p>areas [7] - 31:7, 31:9, 33:16, 34:19, 34:21, 47:12, 74:6</p> <p>arise [1] - 59:9</p> <p>arrange [1] - 15:2</p> <p>arrive [2] - 75:20, 92:10</p> <p>arrow [1] - 10:7</p> <p>articulate [3] - 2:14, 3:2, 21:13</p> <p>aspect [1] - 94:5</p> <p>aspects [1] - 33:19</p> <p>assess [1] - 64:7</p> <p>assessing [2] - 17:21, 21:18</p> <p>assessment [4] - 28:1, 30:15, 50:16, 90:20</p> <p>assets [1] - 51:14</p> <p>assist [1] - 20:6</p> <p>assistance [2] - 20:16, 20:17</p> <p>Assistant [2] - 1:15, 7:11</p> <p>associated [4] - 27:5, 37:19, 45:18, 69:16</p> <p>Association [4] - 5:17, 5:23, 62:6, 77:9</p> <p>association [2] - 27:13, 36:8</p> <p>asthma [1] - 69:11</p> <p>atmosphere [1] - 2:22</p> <p>attempt [6] - 3:8, 39:21, 73:11, 76:6, 76:19, 89:11</p> <p>attempted [1] - 73:7</p> <p>attended [1] - 76:20</p> <p>attention [1] - 35:13</p> <p>auditory [1] - 37:18</p> <p>August [6] - 16:23,</p>	<p>65:18, 80:21, 89:4, 90:4, 90:15</p> <p>author [1] - 64:13</p> <p>authorities [1] - 71:15</p> <p>Authority [8] - 15:9, 15:10, 44:14, 47:20, 48:12, 71:10, 72:4, 74:22</p> <p>automotive [1] - 83:23</p> <p>avail [1] - 80:19</p> <p>available [4] - 60:2, 66:1, 82:1, 82:11</p> <p>Avenue [31] - 9:5, 9:9, 9:19, 9:21, 12:20, 13:21, 14:4, 14:10, 15:5, 15:11, 16:3, 32:9, 32:11, 33:17, 35:7, 36:10, 36:19, 37:3, 37:4, 44:22, 45:23, 52:19, 53:6, 60:14, 60:20, 61:1, 61:4, 68:5, 68:7, 87:3, 87:15</p> <p>avoid [7] - 2:17, 13:21, 19:9, 20:8, 28:12, 30:1, 64:19</p> <p>aware [2] - 48:12, 93:13</p>	<p>79:23</p> <p>becomes [2] - 30:7, 35:8</p> <p>becoming [1] - 63:10</p> <p>beg [1] - 95:8</p> <p>begin [4] - 4:6, 25:18, 26:17, 43:18</p> <p>beginning [1] - 88:14</p> <p>begins [1] - 27:18</p> <p>begs [1] - 95:15</p> <p>behalf [2] - 47:10, 62:7</p> <p>behind [1] - 8:22</p> <p>belief [2] - 63:11, 70:8</p> <p>below [1] - 38:7</p> <p>belt [1] - 83:22</p> <p>beneficial [1] - 36:18</p> <p>benefit [2] - 58:17, 78:11</p> <p>benefits [2] - 70:20, 74:1</p> <p>berm [1] - 62:4</p> <p>best [7] - 41:18, 42:1, 53:2, 55:4, 75:10, 75:11, 90:12</p> <p>Betsy [2] - 42:18, 43:13</p> <p>better [1] - 94:1</p> <p>between [16] - 8:6, 36:16, 40:10, 40:18, 49:6, 50:13, 52:23, 64:13, 67:3, 73:23, 79:5, 83:7, 84:7, 84:17, 87:14, 90:4</p> <p>beyond [1] - 75:16</p> <p>bicyclists [1] - 14:19</p> <p>bidders [1] - 65:1</p> <p>big [2] - 95:6, 96:2</p> <p>bird's [1] - 50:2</p> <p>bit [11] - 10:11, 11:19, 13:7, 14:6, 15:17, 34:17, 35:2, 56:5, 59:3, 86:3, 95:17</p> <p>Black [4] - 83:20, 84:19, 84:21, 84:22</p> <p>block [1] - 55:13</p> <p>blowing [1] - 58:22</p> <p>blue [1] - 26:2</p> <p>bluff [1] - 38:7</p> <p>board [4] - 4:2, 7:8, 59:2, 66:8</p> <p>Boarder [1] - 66:7</p> <p>boats [1] - 76:12</p> <p>body [1] - 44:3</p> <p>born [1] - 15:15</p> <p>boundaries [7] - 23:11, 37:5, 44:19, 61:12, 77:13, 77:16,</p>	<p>85:5</p> <p>boundary [7] - 23:10, 54:18, 54:19, 59:17, 60:14, 60:16, 61:10</p> <p>bravely [1] - 80:6</p> <p>Break [1] - 82:12</p> <p>Brian [1] - 5:7</p> <p>bridge [22] - 9:22, 11:20, 14:11, 16:11, 16:12, 40:14, 41:11, 41:14, 45:2, 58:5, 61:3, 62:17, 64:23, 67:1, 67:23, 71:15, 75:2, 75:23, 85:7, 85:13, 85:17</p> <p>Bridge [52] - 1:4, 15:1, 15:11, 15:13, 15:23, 32:5, 32:7, 32:20, 37:5, 41:20, 44:23, 46:23, 47:20, 47:23, 48:7, 48:12, 53:6, 54:2, 56:2, 56:6, 57:9, 57:13, 62:14, 63:2, 63:20, 63:22, 66:10, 67:14, 67:22, 68:5, 68:9, 68:14, 68:23, 69:3, 69:9, 69:14, 71:5, 71:7, 71:10, 71:11, 71:12, 71:23, 72:2, 72:4, 72:6, 74:22, 75:15, 83:8, 83:10, 94:11, 94:14, 97:6</p> <p>bridges [1] - 58:3</p> <p>brief [3] - 7:13, 69:6, 70:12</p> <p>briefly [5] - 31:1, 31:13, 42:6, 46:5, 77:5</p> <p>bring [6] - 13:15, 15:18, 16:13, 34:14, 70:21, 79:16</p> <p>bringing [1] - 15:16</p> <p>brings [1] - 76:21</p> <p>broad [1] - 69:13</p> <p>brought [1] - 95:9</p> <p>BROWN [3] - 6:11, 43:23, 45:17</p> <p>Brown [3] - 6:11, 44:1</p> <p>Brown's [1] - 77:19</p> <p>Buffalo [39] - 1:7, 1:19, 4:8, 4:9, 5:5, 5:8, 6:2, 6:5, 6:8, 6:10, 7:9, 15:8, 17:17, 32:8, 37:1, 45:22, 47:11, 49:17, 51:7, 56:21, 57:6, 59:7, 61:23, 65:11, 70:3,</p>
--	---	---	--	---

<p>70:6, 70:9, 71:8, 72:11, 75:9, 77:18, 79:22, 83:17, 83:19, 84:21 Buffalo's [3] - 38:1, 71:16, 79:6 build [1] - 66:4 building [6] - 24:13, 29:12, 65:14, 66:23, 71:5, 76:11 buildings [2] - 64:8, 67:16 built [6] - 33:3, 62:20, 64:22, 83:18, 87:4, 93:19 busiest [1] - 62:16 business [2] - 46:7, 83:13 Busti [14] - 12:19, 46:13, 60:14, 60:20, 61:1, 61:4, 68:5, 68:7, 78:4, 83:7, 86:13, 87:3, 87:9, 87:15</p>	<p>certain [1] - 75:18 certainly [5] - 50:21, 52:7, 53:5, 80:19, 91:6 Certainly [1] - 52:19 CERTO [2] - 5:21, 91:17 Certo [2] - 5:21, 91:17 CFR [2] - 18:18, 28:23 chairman [1] - 65:19 challenges [1] - 63:12 chance [7] - 38:13, 54:8, 54:14, 65:7, 88:13, 89:12, 93:5 chances [1] - 37:8 change [9] - 23:12, 23:14, 26:7, 29:11, 32:14, 54:21, 66:3, 70:16 changed [1] - 35:2 changes [10] - 26:16, 35:6, 35:20, 36:10, 36:21, 36:22, 55:10, 90:3, 90:7, 93:8 changing [3] - 29:18, 35:3, 78:7 Chapel [1] - 67:18 character [4] - 25:3, 31:22, 55:9, 83:7 characteristics [8] - 25:7, 25:8, 26:15, 27:8, 28:8, 36:1, 36:10, 37:9 characters [1] - 25:3 Chautauqua [1] - 57:20 check [1] - 80:9 chief [1] - 45:17 Chief [2] - 1:15, 7:11 children [1] - 14:19 choose [1] - 20:11 chosen [1] - 71:19 Chris [1] - 6:18 Church [3] - 67:12, 67:21, 68:10 citizens [9] - 46:14, 49:5, 75:8, 79:11, 79:12, 79:13, 80:3, 90:17 City [6] - 4:7, 15:8, 65:11, 70:6, 71:8, 79:16 city [6] - 32:8, 57:1, 70:3, 75:8, 83:19, 86:13 clarify [3] - 39:22, 88:11, 95:15</p>	<p>classes [1] - 84:5 clear [3] - 40:20, 42:4, 47:14 clearly [3] - 49:19, 69:20, 80:17 Clint [2] - 50:19, 77:19 Clinton [3] - 6:11, 43:23 close [2] - 82:14, 95:21 closeout [1] - 88:9 closer [2] - 78:4, 93:20 Club [6] - 45:9, 45:17, 45:22, 61:23 club [2] - 79:17 co [1] - 63:21 co-partnering [1] - 63:21 coastal [1] - 73:15 Coastal [1] - 74:4 code [1] - 79:12 cognizant [1] - 85:18 coincidence [1] - 95:16 collective [2] - 62:21, 68:14 colorblind [1] - 34:16 Columbus [12] - 5:14, 5:15, 5:17, 5:19, 5:22, 5:23, 62:6, 62:10, 77:8, 88:1, 89:13 combination [1] - 15:15 coming [16] - 2:3, 9:9, 13:2, 13:10, 13:22, 14:2, 15:21, 17:10, 32:8, 49:20, 49:22, 53:19, 55:15, 71:18, 82:20, 95:22 commend [1] - 47:2 comment [8] - 28:17, 46:22, 47:12, 51:11, 88:18, 89:5, 91:19, 92:8 comments [24] - 7:16, 14:16, 28:16, 43:20, 51:4, 51:8, 62:6, 77:19, 77:22, 80:12, 80:20, 82:16, 82:19, 88:7, 89:18, 89:20, 89:23, 91:8, 91:14, 92:7, 94:6, 94:9, 95:20 commercial [5] - 66:23, 71:12, 71:19, 72:1, 72:5</p>	<p>Commission [4] - 44:3, 46:8, 71:11, 71:13 Commissioner [1] - 65:21 commissioner [2] - 44:5, 66:2 Committee [1] - 57:3 Common [1] - 70:9 common [2] - 68:12, 71:9 communities [2] - 62:16, 74:8 community [8] - 52:2, 62:21, 63:7, 64:15, 66:20, 68:14, 69:22, 71:17 Community [2] - 5:15, 70:5 Company [1] - 6:12 compartmentalized [1] - 73:7 complete [5] - 30:11, 76:15, 82:6, 82:7, 92:16 completed [1] - 64:21 completely [3] - 73:12, 75:21, 76:8 complex [1] - 61:18 complexity [1] - 52:9 compliance [3] - 19:21, 20:11, 30:8 complimented [1] - 73:2 component [1] - 72:23 comprehensive [3] - 63:5, 72:12, 79:6 concede [1] - 76:15 concept [2] - 65:22, 84:10 conceptual [1] - 50:18 concern [1] - 66:16 concerned [1] - 59:8 concerning [1] - 2:20 concerns [12] - 19:1, 43:20, 45:21, 52:11, 59:10, 62:9, 63:8, 66:13, 93:7, 93:15, 94:4, 95:13 concluding [1] - 70:23 conclusion [1] - 39:7 conclusions [1] - 62:2 concur [2] - 53:11, 77:18</p>	<p>concurred [2] - 34:2, 34:12 concurrence [1] - 34:9 condition [1] - 9:14 conditions [3] - 8:17, 9:17, 28:12 conducting [1] - 71:23 conference [1] - 65:10 configuration [3] - 41:18, 60:15, 60:21 configure [1] - 41:15 confines [1] - 94:21 confirming [1] - 92:11 conflict [1] - 40:12 congestion [1] - 61:2 congress [1] - 44:3 connected [3] - 9:6, 57:13, 85:20 connecting [2] - 9:23, 13:18 connection [10] - 13:13, 32:4, 52:6, 52:23, 55:14, 65:22, 70:20, 85:23, 86:5, 87:13 Connections [5] - 1:3, 66:10, 68:1, 68:8, 97:5 connections [4] - 14:8, 14:10, 84:17, 86:8 conservancy [2] - 51:19, 52:3 Conservancy [4] - 5:6, 51:8, 78:10, 79:11 Conservancy's [1] - 37:1 Conservation [1] - 6:22 Conservatory [1] - 5:8 consider [7] - 9:11, 9:12, 84:9, 89:22, 91:8, 91:14 considerably [1] - 38:6 consideration [2] - 64:18, 68:22 considerations [1] - 17:8 considered [10] - 10:10, 28:18, 38:9, 41:21, 48:9, 48:11, 65:14, 78:13, 87:2, 87:17</p>
<p>C</p>				
<p>Cameron [1] - 6:23 Campaign [2] - 6:9, 47:10 CAMPON [1] - 11:7 Campon [1] - 11:7 Campus [1] - 45:19 Canal [7] - 44:2, 44:13, 44:19, 44:21, 44:23, 58:2 canal [4] - 11:22, 83:22, 84:18 Capobianco [3] - 1:8, 97:3, 97:18 capture [2] - 3:5, 76:12 capturing [1] - 3:1 carefully [1] - 3:3 Carol [4] - 4:11, 53:14, 92:3, 92:22 Carole [2] - 5:18, 89:13 carried [1] - 41:22 carries [1] - 30:9 carry [1] - 90:10 case [5] - 20:23, 21:8, 29:23, 31:23, 87:21 Cattaraugus [1] - 57:20 caused [2] - 40:17, 66:2 causes [1] - 40:8 century [1] - 76:4 CEO [2] - 5:5, 51:7</p>				

<p>considering [6] - 11:16, 13:3, 14:15, 15:16, 16:12, 40:13</p> <p>considers [1] - 68:15</p> <p>constitutes [3] - 68:18, 69:15, 69:18</p> <p>constraint [1] - 40:18</p> <p>constraints [1] - 40:8</p> <p>constrict [1] - 77:3</p> <p>constructed [1] - 40:17</p> <p>construction [15] - 17:5, 34:20, 34:22, 38:23, 39:3, 39:6, 40:7, 45:1, 60:14, 64:23, 66:18, 66:22, 67:4, 68:2, 95:4</p> <p>consult [1] - 20:7</p> <p>consultant [1] - 43:14</p> <p>consultants [1] - 7:19</p> <p>consultation [13] - 17:19, 19:7, 20:1, 20:4, 20:13, 20:20, 21:4, 29:2, 29:23, 31:18, 44:16, 45:13, 91:10</p> <p>consultations [1] - 31:2</p> <p>consulted [2] - 33:1, 78:23</p> <p>consulting [21] - 2:14, 2:19, 16:20, 19:13, 21:6, 21:7, 21:11, 21:12, 22:14, 22:18, 27:17, 28:14, 34:7, 42:13, 44:1, 44:7, 64:5, 66:12, 89:21, 92:6, 93:3</p> <p>Consulting [2] - 1:4, 97:7</p> <p>Contact [1] - 17:15</p> <p>contact [1] - 6:20</p> <p>context [4] - 38:15, 73:10, 73:12, 75:7</p> <p>continuation [1] - 53:15</p> <p>continue [5] - 11:10, 11:14, 40:15, 52:15, 89:15</p> <p>continues [3] - 3:15, 63:13, 67:20</p> <p>continuous [1] - 12:18</p> <p>contract [1] - 64:9</p> <p>contractual [1] - 64:13</p>	<p>contributed [1] - 29:19</p> <p>contributing [3] - 33:19, 37:16, 37:21</p> <p>converged [1] - 72:4</p> <p>conversations [1] - 3:15</p> <p>conversely [1] - 9:7</p> <p>convey [1] - 25:16</p> <p>cooperating [1] - 65:10</p> <p>cooperation [1] - 44:13</p> <p>coordinating [1] - 93:1</p> <p>coordination [4] - 31:17, 63:6, 65:1, 67:3</p> <p>Coordinator [1] - 17:16</p> <p>copies [2] - 43:2, 43:14</p> <p>copy [7] - 25:21, 42:14, 42:15, 42:21, 43:3, 88:2, 89:22</p> <p>Cornell [1] - 46:4</p> <p>corner [2] - 37:4, 46:13</p> <p>Corporation [2] - 44:13, 67:12</p> <p>correct [2] - 2:8, 88:16</p> <p>correctly [2] - 3:5, 15:12</p> <p>corridor [1] - 45:8</p> <p>Corridor [2] - 44:3, 44:10</p> <p>cost [1] - 66:1</p> <p>Council [4] - 4:12, 18:13, 19:12, 70:10</p> <p>council [8] - 18:12, 18:13, 18:15, 18:16, 20:10, 20:14, 71:9, 91:15</p> <p>country [1] - 24:21</p> <p>COUNTY [1] - 97:2</p> <p>County [2] - 57:21, 65:12</p> <p>couple [11] - 2:2, 10:14, 14:7, 15:7, 42:8, 47:12, 54:4, 56:3, 76:11, 84:13, 88:12</p> <p>course [2] - 16:7, 83:14</p> <p>Court [1] - 68:19</p> <p>cover [1] - 66:1</p> <p>covered [3] - 4:1, 41:1, 42:3</p> <p>covering [1] - 88:4</p>	<p>covers [1] - 33:21</p> <p>CPO [4] - 45:9, 45:15, 61:22</p> <p>create [2] - 66:14, 78:2</p> <p>created [4] - 40:18, 44:3, 46:14, 56:4</p> <p>creates [2] - 79:21, 94:20</p> <p>creating [2] - 8:22, 80:2</p> <p>creation [1] - 46:19</p> <p>Criteria [1] - 25:9</p> <p>criteria [9] - 24:10, 25:2, 25:5, 25:15, 27:3, 27:5, 27:6, 27:14, 28:10</p> <p>critical [1] - 56:22</p> <p>critically [1] - 56:16</p> <p>criticized [1] - 69:7</p> <p>cross [3] - 13:17, 13:21, 14:18</p> <p>crosses [2] - 10:4, 40:11</p> <p>crossing [7] - 14:1, 14:15, 62:17, 63:22, 71:6, 75:23, 76:1</p> <p>crucial [4] - 54:17, 55:6, 56:1, 58:14</p> <p>CSX [2] - 40:10, 40:14</p> <p>Cultural [1] - 17:16</p> <p>cultural [4] - 20:22, 39:2, 44:18, 76:9</p> <p>Culture [2] - 6:10, 47:11</p> <p>culture [1] - 74:8</p> <p>Cuomo [2] - 67:8, 68:4</p> <p>Cuomo's [1] - 71:13</p> <p>current [5] - 8:9, 47:17, 60:2, 60:21, 85:13</p> <p>Curtis [1] - 83:23</p> <p>Customs [2] - 66:7, 66:16</p> <p>Customs [1] - 66:23</p> <p>cut [1] - 89:11</p> <p>cuts [1] - 79:19</p> <p>cutting [1] - 10:9</p>	<p>date [1] - 65:8</p> <p>dated [1] - 65:18</p> <p>days [1] - 89:9</p> <p>deadline [1] - 80:21</p> <p>deal [1] - 41:7</p> <p>December [1] - 17:2</p> <p>decide [2] - 91:9, 91:16</p> <p>decided [3] - 70:13, 89:16, 90:8</p> <p>deciding [2] - 19:22, 91:12</p> <p>decision [3] - 17:4, 21:15, 28:18</p> <p>decline [1] - 47:22</p> <p>declining [2] - 48:2, 48:3</p> <p>dedicated [1] - 51:17</p> <p>defined [3] - 23:4, 33:22, 76:19</p> <p>defines [3] - 17:18, 18:19, 23:6</p> <p>defining [2] - 25:4, 31:17</p> <p>definitely [1] - 56:6</p> <p>degree [2] - 86:1, 86:22</p> <p>DEIS [10] - 17:1, 90:3, 90:10, 91:20, 93:4, 93:5, 93:9, 93:12, 94:5, 95:13</p> <p>delineates [1] - 23:10</p> <p>delivery [1] - 42:23</p> <p>demolish [1] - 86:15</p> <p>demolished [1] - 87:5</p> <p>demolition [2] - 67:16, 67:20</p> <p>demolitions [1] - 87:9</p> <p>demonstrate [1] - 70:20</p> <p>denoted [1] - 50:21</p> <p>Department [16] - 1:6, 1:14, 4:10, 4:19, 4:21, 6:2, 6:5, 6:17, 6:22, 7:1, 33:5, 44:4, 47:2, 65:20, 66:6, 74:23</p> <p>deposits [1] - 39:2</p> <p>describe [1] - 31:1</p> <p>described [2] - 41:5, 55:21</p> <p>description [3] - 28:5, 28:7, 28:8</p> <p>design [8] - 27:12, 36:6, 46:9, 46:17, 51:23, 52:7, 85:22, 94:15</p>	<p>Design [3] - 6:5, 6:22, 7:1</p> <p>designated [2] - 38:11, 71:16</p> <p>designed [4] - 46:15, 59:19, 60:6, 64:22</p> <p>designs [1] - 17:8</p> <p>desirability [1] - 49:3</p> <p>despite [1] - 38:11</p> <p>destruction [4] - 59:12, 59:15, 60:11, 74:19</p> <p>destructive [2] - 69:20, 74:17</p> <p>determination [8] - 28:1, 28:20, 28:22, 31:11, 42:1, 59:1, 90:2</p> <p>determine [4] - 23:9, 23:20, 26:12, 41:18</p> <p>determined [4] - 32:1, 36:4, 37:8, 41:10</p> <p>determining [1] - 27:20</p> <p>DETINE [2] - 7:4, 77:7</p> <p>DeTine [2] - 7:4, 77:7</p> <p>develop [1] - 30:1</p> <p>development [3] - 37:2, 38:4, 55:6</p> <p>Development [2] - 58:2, 67:11</p> <p>develops [1] - 32:13</p> <p>diagonal [1] - 52:12</p> <p>dial [1] - 10:17</p> <p>dialogue [2] - 91:1, 91:5</p> <p>diesel [1] - 71:18</p> <p>different [7] - 40:2, 41:1, 41:6, 41:17, 51:1, 64:1, 90:11</p> <p>difficult [2] - 3:16, 47:17</p> <p>digest [2] - 54:14, 91:3</p> <p>diminish [2] - 36:5, 37:13</p> <p>diminishes [1] - 27:11</p> <p>direct [13] - 8:6, 8:11, 26:4, 32:4, 34:18, 35:1, 37:20, 49:2, 49:8, 65:22, 69:15, 69:18, 94:18</p> <p>direction [4] - 12:5, 14:2, 16:2, 34:13</p> <p>directional [1] - 12:5</p> <p>directly [5] - 8:23, 27:8, 31:21, 32:1,</p>
---	--	--	---	---

60:13 Director [1] - 7:2 director [1] - 78:19 discarded [1] - 78:13 discrepancy [2] - 50:13, 51:3 discuss [1] - 91:14 discussed [3] - 3:1, 87:12, 88:20 discussing [1] - 34:5 discussion [5] - 2:21, 2:22, 39:16, 87:9, 94:15 discussions [2] - 3:20, 15:9 dismiss [1] - 72:8 disproportionate [1] - 71:18 disrupted [1] - 66:17 disruption [1] - 66:18 disservice [1] - 77:4 distinct [1] - 46:18 district [6] - 24:13, 26:3, 37:20, 77:12, 77:17 District [9] - 5:20, 26:2, 33:20, 37:7, 46:15, 62:8, 62:11, 67:6, 71:21 district's [1] - 37:15 districts [2] - 37:11, 74:6 disturbances [1] - 38:12 dividing [1] - 31:15 Division [3] - 1:15, 4:15, 4:17 document [5] - 24:3, 28:1, 47:14, 64:12, 91:6 documentation [9] - 19:19, 27:16, 28:2, 28:4, 42:23, 43:7, 49:18, 50:1, 50:15 documents [1] - 30:6 DOFF [1] - 6:18 Doff [1] - 6:18 DOLD [1] - 5:7 Dold [1] - 5:7 dollar [1] - 79:8 dollars [2] - 66:2, 72:9 done [13] - 22:2, 22:10, 32:21, 33:3, 50:10, 53:8, 58:1, 58:2, 80:23, 84:4, 84:13, 86:14, 87:10 Donohue [1] - 7:18 DONOHUE [3] -	1:18, 7:21, 11:15 DOT [28] - 5:1, 6:20, 7:11, 11:6, 19:12, 20:6, 31:2, 31:16, 33:4, 33:22, 63:17, 63:19, 64:7, 64:14, 64:21, 65:1, 65:4, 65:20, 68:21, 69:23, 70:19, 71:2, 71:19, 75:12, 81:13, 84:11, 91:2, 91:11 DOT's [1] - 19:23 Doug [2] - 7:2, 64:3 down [35] - 9:5, 10:5, 10:11, 10:12, 13:2, 13:7, 13:22, 14:6, 16:14, 18:2, 35:7, 40:9, 40:15, 41:4, 41:17, 41:21, 50:3, 51:9, 51:12, 57:20, 63:12, 78:5, 79:7, 79:16, 84:16, 84:18, 85:8, 85:10, 85:14, 86:19, 87:4, 93:20, 97:8, 97:10 draft [5] - 39:12, 42:22, 43:2, 50:15, 90:19 drafted [1] - 33:23 drafting [2] - 31:4, 41:22 draw [1] - 81:12 drawing [4] - 12:2, 12:13, 59:2, 86:8 drawn [2] - 34:3, 80:16 drive [1] - 46:10 Drive [18] - 1:19, 8:13, 9:15, 9:16, 13:10, 13:14, 32:9, 36:13, 37:14, 40:22, 51:20, 69:1, 69:12, 69:17, 70:2, 70:7, 70:13 driven [1] - 75:20 driveway [4] - 13:8, 13:12, 46:20, 52:14 drop [1] - 79:7 during [8] - 15:9, 28:17, 39:3, 39:6, 66:15, 66:17, 67:4, 90:9 Duty [1] - 48:12	easier [1] - 48:8 east [2] - 55:20, 57:18 echo [2] - 60:7, 72:13 Ecology [4] - 6:13, 6:15, 7:6, 30:14 economic [1] - 73:23 edge [2] - 45:20, 79:19 effect [48] - 20:8, 22:22, 22:23, 26:14, 27:1, 27:3, 27:5, 27:6, 27:7, 27:14, 27:15, 27:16, 27:20, 27:21, 27:22, 28:2, 28:3, 28:11, 28:19, 28:20, 28:22, 29:1, 29:5, 29:8, 29:17, 29:21, 30:2, 30:7, 31:9, 31:16, 35:18, 35:22, 36:18, 38:19, 49:2, 49:8, 50:16, 61:10, 63:23, 75:20, 88:22, 90:1, 90:2 effects [24] - 2:15, 2:18, 17:21, 21:18, 21:19, 26:6, 26:11, 26:12, 28:9, 28:13, 30:16, 31:4, 31:12, 37:12, 37:17, 38:22, 39:9, 39:10, 42:14, 43:2, 48:7, 76:5, 88:19, 90:20 effort [3] - 23:7, 23:19, 24:2 efforts [1] - 67:3 egress [3] - 56:12, 56:14, 66:16 EIS [1] - 63:1 either [10] - 16:7, 16:16, 16:17, 28:10, 35:22, 36:11, 61:16, 81:13, 85:21 elected [1] - 67:8 elements [7] - 29:6, 29:12, 36:23, 37:10, 62:9, 86:3 elephant [1] - 75:17 elevate [1] - 95:13 elevated [3] - 57:17, 58:21, 70:17 eligibility [3] - 17:21, 20:3, 20:7 eligible [8] - 24:14, 25:1, 25:18, 26:16, 36:3, 45:11, 46:2, 75:15 eliminate [3] - 14:21, 16:1, 36:13	eliminating [1] - 37:18 elimination [1] - 51:19 ELIZABETH [1] - 11:11 Elizabeth [2] - 5:13, 11:11 Elmwood [1] - 46:14 embrace [1] - 72:8 emissions [1] - 58:20 emphasized [1] - 72:16 Empire [1] - 67:11 encompasses [1] - 26:1 encountered [1] - 39:3 end [4] - 19:22, 57:18, 90:4, 95:3 ended [1] - 63:15 ending [1] - 88:13 engage [1] - 47:5 engaging [1] - 65:5 Engineer [2] - 1:15, 7:11 engineering [1] - 9:13 Engineering [1] - 1:15 English [1] - 97:12 enhance [3] - 46:11, 74:5, 75:6 enhancing [1] - 37:17 enjoy [1] - 49:7 enjoyment [1] - 49:4 ensures [1] - 30:9 entailed [1] - 21:22 enter [1] - 52:12 entered [1] - 62:7 entering [1] - 68:13 entire [1] - 56:14 entrance [16] - 9:20, 13:3, 13:5, 13:11, 32:11, 36:19, 40:23, 46:10, 50:23, 51:1, 52:5, 52:8, 52:10, 52:16, 52:19, 67:23 entranceway [1] - 46:12 entry [1] - 50:22 Environment [5] - 4:19, 4:22, 6:14, 6:15, 7:7 environment [1] - 76:23 environmental [9] - 3:20, 5:1, 41:23, 63:6,	63:9, 63:12, 68:16, 71:17, 73:23 Environmental [4] - 6:3, 6:20, 17:15, 30:14 EPA [4] - 71:3, 71:16, 71:20, 93:1 Episcopal [3] - 67:12, 67:21, 68:10 equal [1] - 2:19 erect [1] - 74:15 Erie [11] - 44:2, 44:21, 44:23, 49:21, 57:18, 58:2, 59:18, 60:1, 62:20, 65:12, 76:12 ERIE [1] - 97:2 ESD [1] - 67:15 especially [1] - 55:13 essential [1] - 25:3 essentially [1] - 75:22 establish [2] - 22:1, 24:3 established [2] - 22:3, 24:4 estimated [1] - 66:1 ethic [1] - 76:9 evaluate [7] - 30:1, 50:7, 50:10, 54:8, 64:14, 71:11, 77:23 evaluated [1] - 39:4 evaluating [1] - 17:20 evaluation [2] - 24:9, 50:5 exact [2] - 43:3, 43:7 exactly [1] - 39:22 examine [1] - 62:2 example [5] - 24:19, 29:7, 50:23, 78:1, 85:17 excellent [1] - 61:9 except [1] - 67:17 exceptional [1] - 24:23 exclusively [1] - 74:21 Excuse [1] - 48:16 executive [1] - 78:19 exhaust [1] - 71:18 exist [5] - 16:13, 26:21, 63:13, 75:11, 85:21 existing [22] - 8:9, 8:16, 8:20, 9:2, 9:6, 9:18, 9:20, 10:4, 10:12, 12:14, 12:16, 12:19, 13:4, 13:8, 13:12, 13:19, 24:5,
---	--	--	---	--

<p>32:19, 47:15, 47:16, 75:10, 85:10 exists [3] - 15:19, 34:10, 75:6 expand [2] - 48:14, 55:18 expanded [2] - 35:4, 61:13 expanding [1] - 67:10 expansion [2] - 46:23, 68:6 Expansion [3] - 62:15, 63:2, 69:9 expensive [1] - 38:5 experience [2] - 52:17, 54:11 expert [1] - 56:20 explain [5] - 42:7, 42:11, 69:22, 73:6, 75:21 explained [1] - 40:6 explanation [2] - 28:10, 74:9 explanatory [1] - 25:12 explored [2] - 69:5, 71:6 expressway [3] - 79:4, 79:5, 79:9 extends [1] - 26:1 extensive [2] - 32:22, 38:11 extremely [1] - 38:9 eye [1] - 50:2</p>	<p>fatal [1] - 77:2 FDIS [1] - 17:3 feasible [3] - 16:4, 69:5, 85:12 features [2] - 25:4, 84:16 February [1] - 17:4 Federal [11] - 4:14, 4:16, 62:23, 68:21, 69:7, 69:23, 70:19, 71:3, 91:1, 91:15 federal [19] - 18:10, 18:19, 19:2, 19:3, 19:4, 19:6, 20:23, 21:7, 34:11, 45:12, 62:13, 63:4, 63:6, 63:16, 63:21, 68:17 Federally [1] - 20:20 federally [3] - 19:12, 20:19, 22:9 feedback [2] - 89:10, 93:2 feelings [2] - 27:12, 36:7 feet [2] - 10:14, 93:19 ferry [1] - 75:23 few [3] - 9:10, 51:9, 61:2 FHWA [14] - 19:12, 19:18, 20:6, 20:23, 21:8, 28:19, 30:8, 31:3, 31:17, 35:5, 75:12, 81:13, 84:11, 91:10 field [1] - 24:9 figure [2] - 50:18, 89:7 figures [1] - 46:7 fill [1] - 38:5 filters [1] - 82:6 final [2] - 29:4, 46:22 finally [1] - 61:8 findings [10] - 19:19, 20:7, 31:5, 35:15, 39:12, 42:22, 54:4, 54:15, 71:20, 90:19 fine [1] - 43:8 first [15] - 7:13, 8:2, 8:18, 8:19, 10:1, 21:23, 43:22, 44:19, 47:13, 49:12, 49:21, 59:12, 59:21, 71:23, 77:11 fit [1] - 10:13 five [2] - 26:9, 52:12 flawed [1] - 64:4 Fleet [1] - 76:14 focus [1] - 58:14 focused [5] - 3:18,</p>	<p>3:21, 48:19, 48:21, 48:23 focuses [1] - 57:10 folks [6] - 12:10, 54:6, 54:10, 56:7, 57:6, 93:5 following [1] - 62:22 followup [1] - 43:12 foot [5] - 45:23, 84:7, 84:22, 84:23 footing [1] - 85:9 for/or [1] - 31:9 force [1] - 60:22 forced [1] - 61:3 forcefully [1] - 80:17 foremost [1] - 59:12 formally [1] - 77:16 former [1] - 45:9 Fort [2] - 74:20, 76:12 forth [4] - 23:19, 41:22, 79:18, 97:9 forum [3] - 3:20, 7:16, 43:19 forward [11] - 32:14, 34:4, 38:18, 38:22, 39:15, 47:6, 62:1, 71:1, 75:5, 90:10, 95:1 four [4] - 16:13, 21:16, 25:10, 31:7 Frederick [1] - 59:20 free [2] - 2:3, 2:7 Free [1] - 48:13 Front [37] - 8:13, 9:21, 12:12, 13:2, 13:3, 32:9, 32:11, 33:16, 36:9, 36:16, 36:19, 36:22, 37:17, 38:8, 46:9, 49:6, 49:13, 50:8, 50:21, 50:23, 53:1, 53:13, 57:14, 59:13, 59:17, 59:22, 60:10, 60:13, 60:16, 61:18, 67:5, 68:1, 69:9, 69:21, 70:2, 70:13, 70:21 front [11] - 18:6, 29:9, 32:5, 49:6, 49:11, 60:17, 61:4, 61:6, 67:6, 70:18, 74:21 fronts [1] - 68:3 fulfills [1] - 28:23 full [2] - 64:19, 65:2 fully [1] - 70:14 fun [1] - 18:6 funding [2] - 65:23, 70:14 future [9] - 15:10,</p>	<p>35:7, 36:23, 56:22, 67:14, 85:15, 86:1, 86:4, 87:20</p> <p>G</p> <p>Gateway [7] - 1:3, 62:5, 66:9, 67:2, 67:23, 68:8, 97:5 gazing [1] - 80:7 gee [1] - 95:16 General [1] - 66:6 general [4] - 7:22, 69:19, 70:15, 86:11 gentleman [4] - 43:20, 47:8, 53:21, 59:5 geographic [2] - 22:23, 84:20 geographical [1] - 31:20 given [8] - 50:4, 60:4, 65:8, 70:11, 74:10, 75:10, 78:10, 94:6 glad [1] - 92:13 goal [4] - 19:7, 46:16, 53:3, 68:12 Gordon [1] - 67:17 government [6] - 21:1, 45:12, 63:22, 72:7, 90:18 governor [1] - 67:8 Governor [2] - 68:4, 71:13 great [1] - 47:6 Greater [2] - 6:10, 47:10 greater [1] - 95:15 green [6] - 9:16, 26:4, 34:19, 35:1, 36:14, 79:12 Greg [1] - 6:4 GREGORY [1] - 6:15 gridlock [1] - 56:5 GRIFFIS [2] - 6:13, 30:18 Griffis [2] - 6:13, 30:14 ground [6] - 33:10, 35:10, 38:12, 50:4, 70:12, 93:21 Group [4] - 7:18, 11:8, 83:2, 83:5 group [2] - 57:6, 57:10 grows [1] - 45:4 guess [10] - 25:21, 53:3, 82:9, 82:14, 88:8, 92:19, 92:23,</p>	<p>95:11, 95:21 guideline [1] - 4:1 guidelines [5] - 39:5, 64:16, 73:20, 84:11, 84:12</p> <p>H</p> <p>half [1] - 10:9 Hampshire [2] - 55:19, 84:23 hand [2] - 43:21, 49:15 handed [2] - 50:7, 89:3 handle [1] - 41:2 handout [2] - 43:2, 51:1 handouts [1] - 25:11 hands [1] - 39:13 Hans [1] - 4:16 Harbor [1] - 58:2 harbor [1] - 58:4 hard [2] - 95:4, 95:15 hardly [1] - 57:9 harm [1] - 64:20 hatched [1] - 12:14 headed [1] - 16:5 heading [2] - 9:1, 16:6 hear [8] - 3:4, 3:17, 18:1, 18:16, 55:2, 92:5, 93:15, 93:16 heard [2] - 14:16, 88:12 hearing [5] - 17:2, 91:19, 94:3, 97:8, 97:9 heavy [1] - 71:19 held [3] - 1:5, 16:19, 20:21 helicopter [1] - 10:3 help [6] - 86:6, 93:6, 93:16, 95:13, 95:15, 96:2 helps [3] - 12:6, 12:7, 13:20 herein [1] - 97:9 hereunto [1] - 97:13 Heritage [2] - 44:2, 44:10 heritage [9] - 83:4, 83:9, 83:15, 83:16, 83:21, 84:5, 84:6, 85:19, 86:3 HERRERA [2] - 5:4, 51:6 Herrera [2] - 5:5, 51:6 HERRERA-</p>
--	---	--	--	--

<p>MISHLER [1] - 5:4 Herrera-Mishler [1] - 5:5 HERTER [1] - 5:9 Herter [1] - 5:9 Hi [1] - 77:7 hi [2] - 17:23, 90:14 high [1] - 79:5 highlight [1] - 9:18 Highway [9] - 4:15, 4:16, 68:21, 69:7, 69:23, 70:19, 71:3, 91:2, 91:15 highway [4] - 62:13, 63:17, 63:21, 72:18 highways [1] - 34:11 Highways [1] - 62:23 Hill [16] - 5:14, 5:19, 7:4, 26:2, 33:20, 37:7, 62:8, 62:10, 67:5, 68:1, 69:10, 70:22, 71:21, 77:10, 77:12, 77:14 himself [1] - 79:16 hired [2] - 33:5, 79:16 historic [85] - 18:11, 18:20, 19:1, 19:8, 19:10, 20:9, 21:17, 22:6, 22:20, 23:1, 23:9, 23:17, 23:20, 24:5, 24:7, 24:12, 24:21, 25:17, 26:15, 26:18, 26:19, 26:20, 26:21, 27:2, 27:9, 28:6, 28:7, 28:9, 28:13, 29:8, 29:9, 29:11, 29:12, 29:15, 29:18, 29:20, 30:2, 31:10, 31:23, 32:17, 36:2, 36:6, 37:11, 37:13, 39:10, 44:18, 44:20, 45:5, 49:3, 49:4, 49:16, 51:17, 51:22, 53:10, 55:8, 56:10, 59:13, 59:23, 60:5, 60:10, 60:11, 60:12, 61:5, 61:6, 61:15, 61:18, 61:20, 63:8, 63:11, 64:15, 64:20, 66:20, 69:4, 69:17, 70:3, 73:13, 73:21, 77:12, 84:16, 85:2, 85:19, 86:15, 87:5 Historic [24] - 4:12, 5:19, 11:12, 18:8, 18:14, 24:15, 24:16, 26:2, 31:18, 33:20, 37:7, 42:15, 44:15,</p>	<p>45:10, 45:12, 45:14, 46:1, 46:3, 59:15, 61:20, 62:8, 62:11, 67:5, 71:21 historical [8] - 2:16, 30:16, 35:23, 38:14, 48:20, 76:6, 76:10, 81:18 historically [4] - 46:12, 51:10, 52:20, 75:1 history [4] - 73:10, 74:7, 76:2, 76:3 History [2] - 6:10, 47:11 HITT [14] - 4:18, 42:12, 42:21, 43:11, 81:19, 81:23, 82:10, 88:17, 88:22, 89:16, 89:20, 91:8, 91:12, 91:21 Hitt [2] - 4:18, 42:7 hold [2] - 10:16, 39:17 holding [1] - 65:10 home [5] - 29:9, 29:11, 43:8, 67:17 Home [3] - 67:12, 67:21, 68:10 Homeland [1] - 66:6 homes [3] - 86:15, 86:19, 87:5 honestly [1] - 74:2 hope [3] - 16:21, 86:8, 95:22 hoping [1] - 92:23 horizontal [1] - 23:11 Houett [1] - 65:19 hours [2] - 54:4, 66:15 Hutchinson [1] - 67:18</p>	<p>identify [7] - 3:12, 4:4, 19:7, 22:13, 24:2, 28:6, 32:17 identifying [7] - 21:17, 22:9, 22:20, 23:17, 31:10, 44:18, 44:20 identity [1] - 25:17 ignore [4] - 70:1, 71:3, 71:20, 77:12 ignored [1] - 71:8 imagine [1] - 95:4 imbeds [1] - 79:3 impact [27] - 26:23, 29:14, 34:19, 34:21, 35:1, 37:6, 37:15, 37:18, 41:23, 45:22, 48:1, 49:2, 51:13, 51:21, 52:18, 53:9, 53:12, 57:23, 58:19, 60:4, 61:11, 62:10, 63:9, 66:14, 66:19, 69:8, 78:1 impacted [4] - 29:22, 45:6, 67:7 impacting [1] - 26:22 impacts [6] - 50:11, 56:8, 58:10, 59:8, 63:9, 93:8 impairment [1] - 74:11 implementation [1] - 36:23 implementing [1] - 66:21 important [11] - 32:1, 49:16, 49:19, 49:22, 73:9, 83:4, 84:1, 84:15, 85:2, 86:18, 94:5 impossibilities [1] - 79:10 impossibility [1] - 79:21 impoverished [1] - 71:16 impression [1] - 81:2 improve [3] - 36:16, 36:20, 55:7 Improvement [3] - 1:3, 66:10, 97:6 improvements [5] - 54:1, 57:4, 57:7, 75:14, 83:5 IN [1] - 97:13 include [7] - 38:23, 41:11, 45:4, 55:16, 55:19, 65:11, 83:12 included [3] - 40:20, 49:14, 64:8</p>	<p>including [7] - 17:19, 36:22, 44:21, 52:22, 61:1, 75:14, 84:16 inclusion [1] - 27:10 incomparable [1] - 73:4 incomprehensible [1] - 76:8 incorporate [3] - 15:13, 34:17, 45:21 incorporated [1] - 44:23 increasing [1] - 78:4 increasingly [1] - 63:10 incredible [1] - 76:2 incumbent [1] - 72:7 incur [1] - 35:6 independent [3] - 68:11, 94:17, 94:20 Indians [1] - 21:3 indicated [4] - 14:22, 35:16, 37:23, 92:5 indicates [2] - 47:21, 85:11 indication [1] - 48:15 indirect [1] - 34:21 indirectly [2] - 27:8, 31:21 individual [3] - 37:11, 41:5, 64:7 individualized [1] - 7:16 individuals [1] - 21:10 induce [1] - 48:6 inducing [1] - 48:6 industrial [6] - 83:6, 83:7, 83:9, 83:21, 84:6, 84:17 industry [1] - 83:23 inextricable [1] - 72:22 influenced [1] - 64:12 information [30] - 3:1, 20:1, 21:13, 24:5, 24:9, 32:19, 33:6, 33:7, 33:12, 42:7, 42:9, 42:10, 43:10, 60:4, 64:4, 65:6, 72:8, 81:20, 82:3, 88:10, 89:10, 90:23, 91:3, 93:2, 93:6, 93:9, 93:21, 95:12, 95:14 informative [1] - 80:22 infrastructure [2] - 71:5, 80:1 initial [1] - 32:15</p>	<p>initiate [1] - 19:23 initiating [2] - 21:16, 21:23 inner [1] - 58:3 input [11] - 2:16, 21:14, 39:14, 54:9, 65:13, 65:17, 78:12, 88:5, 89:12, 93:14, 94:3 Inspection [1] - 66:17 instead [1] - 79:9 insure [3] - 39:1, 42:4, 67:5 integrity [5] - 25:15, 27:11, 36:5, 37:13, 75:18 intended [5] - 60:6, 60:18, 65:4, 80:8, 87:14 intends [1] - 8:19 intent [4] - 40:4, 40:16, 46:7, 89:3 intention [2] - 81:4, 87:11 intentionally [1] - 69:23 intents [1] - 40:21 interact [1] - 91:4 interconnected [1] - 68:15 interest [2] - 52:7, 64:22 interesting [1] - 92:14 Interior [1] - 44:4 interior [1] - 44:6 international [1] - 62:17 interrupt [1] - 48:17 intersection [8] - 13:6, 13:9, 14:21, 15:3, 37:3, 41:6, 46:19, 52:13 interstate [1] - 8:8 intrenching [1] - 79:8 introduce [1] - 37:12 introduction [1] - 38:5 inventory [1] - 46:6 investigations [1] - 31:2 invite [1] - 78:21 invited [2] - 21:10, 78:15 involve [2] - 18:12, 22:13 involved [5] - 31:3, 32:20, 46:23, 63:17,</p>
--	--	---	--	--

67:10 involvement [2] - 70:6, 70:9 isolation [2] - 48:11, 87:19 issue [2] - 24:22, 49:10 issued [5] - 27:15, 64:22, 65:1, 67:15, 72:2 issues [9] - 3:21, 28:19, 29:3, 29:5, 63:14, 69:8, 77:1, 77:2, 93:10 Italian [1] - 76:3 Italian-American [1] - 76:3 iterations [1] - 40:2 itself [11] - 7:14, 9:21, 12:12, 15:23, 29:12, 29:22, 37:21, 66:11, 69:15, 94:20, 95:1	Keeper [1] - 57:6 kept [1] - 34:7 key [3] - 59:21, 69:8, 83:21 Kim [1] - 4:23 kind [16] - 7:21, 8:14, 9:14, 10:2, 12:12, 15:15, 16:18, 19:16, 21:20, 26:1, 57:15, 72:13, 73:6, 81:16, 83:7, 93:21 Kleinhan's [1] - 53:17 knowing [2] - 86:21, 87:6 known [2] - 31:19, 38:3 knows [1] - 68:7 KRAMER [1] - 4:14 Kramer [1] - 4:14	law [3] - 68:18, 78:21, 87:23 lawsuits [1] - 86:16 lead [4] - 31:4, 63:3, 63:20, 66:11 leading [1] - 71:23 League [4] - 10:20, 11:3, 80:18, 94:9 leak [1] - 74:3 least [7] - 10:9, 14:18, 25:2, 25:14, 35:5, 50:14, 85:17 leaving [1] - 68:13 legal [2] - 69:6, 70:11 LEGARD [4] - 4:11, 20:15, 92:3, 92:22 Legard [3] - 4:11, 92:3, 92:22 legitimate [1] - 77:2 LEHMAN [1] - 5:2 Lehman [1] - 5:2 lengthy [1] - 18:21 LESLIE [1] - 11:5 Leslie [1] - 11:5 less [1] - 24:22 letter [6] - 33:23, 64:22, 65:18, 65:19, 78:20, 87:22 letters [1] - 71:20 Lewiston [2] - 47:23, 71:7 Lewiston-Queenston [2] - 47:23, 71:7 licenses [1] - 19:5 likely [1] - 78:2 limitations [2] - 3:10, 80:15 limited [2] - 8:6, 58:6 Linda [2] - 7:4, 77:7 line [8] - 11:18, 13:8, 25:22, 25:23, 48:18, 83:22, 86:22 lines [1] - 86:7 link [3] - 40:5, 82:9, 94:19 linkage [5] - 72:22, 76:16, 76:17, 95:7, 95:8 list [6] - 2:4, 2:5, 2:10, 44:8, 44:9, 45:7 listed [4] - 24:14, 36:3, 59:14, 61:19 Listing [1] - 33:18 listing [7] - 24:15, 33:19, 36:3, 36:11, 37:10, 45:11, 46:3 listings [1] - 37:11 live [2] - 77:9, 79:1 lives [2] - 78:17,	78:19 living [1] - 62:16 load [1] - 60:22 local [8] - 8:7, 8:21, 9:4, 41:3, 47:15, 48:2, 60:23, 66:20 located [2] - 14:13, 41:3 location [4] - 8:9, 27:11, 36:6, 47:17 locations [1] - 51:2 look [28] - 8:15, 8:16, 10:1, 24:11, 48:4, 50:20, 54:12, 55:12, 55:18, 56:8, 57:4, 58:12, 58:15, 59:1, 59:3, 65:7, 77:14, 81:23, 84:14, 85:16, 86:2, 87:7, 87:8, 87:11, 87:18, 87:21, 91:3 looked [8] - 9:17, 17:9, 23:8, 23:15, 52:5, 58:6, 58:8, 85:11 looking [26] - 8:18, 13:18, 18:4, 22:21, 24:12, 24:13, 26:5, 37:23, 38:1, 41:16, 54:12, 55:14, 58:3, 58:11, 78:14, 80:6, 82:7, 83:11, 83:15, 84:3, 85:1, 85:4, 85:6, 85:9, 86:23, 90:22 looks [1] - 87:5 loop [1] - 93:2 LORENZ [1] - 4:23 Lorenz [1] - 4:23 lose [2] - 10:14, 76:16 loss [3] - 69:22, 73:6, 75:20 loudly [1] - 3:3 low [1] - 38:9 lower [1] - 71:16	major [2] - 9:12, 67:4 management [1] - 73:15 Management [1] - 74:5 manager [1] - 5:1 Manager [1] - 1:18 manner [2] - 27:10, 73:8 map [4] - 23:5, 49:13, 50:21, 80:16 Maria [1] - 5:2 Martina [1] - 5:13 MARTINIA [1] - 5:13 Mary [1] - 4:20 master [4] - 12:23, 83:12, 83:14, 84:3 material [1] - 81:14 materials [5] - 27:12, 36:7, 50:6, 77:13, 81:10 McDonald [1] - 65:21 mean [8] - 19:3, 19:5, 23:2, 24:18, 24:22, 48:1, 75:16, 93:8 means [1] - 26:14 meant [1] - 89:5 meantime [1] - 92:9 measures [5] - 2:17, 20:8, 30:1, 30:6, 61:11 meat [1] - 26:10 MECCA [4] - 5:16, 62:4, 88:1, 90:14 Mecca [5] - 5:16, 62:5, 77:20, 88:1, 90:14 meet [2] - 25:1, 25:14 Meeting [2] - 1:5, 97:7 meeting [21] - 2:13, 3:8, 4:6, 8:1, 14:17, 16:19, 16:20, 22:15, 22:16, 23:6, 52:11, 54:5, 54:13, 54:17, 62:12, 89:14, 89:17, 90:22, 91:4, 91:13, 93:13 meetings [2] - 58:8, 91:18 member [4] - 5:22, 7:9, 66:12, 77:8 members [3] - 2:19, 64:5, 72:4 memorandum [2] - 30:4, 38:20 mention [5] - 74:4, 75:16, 75:21, 76:4,
J		L		
JAMES [1] - 6:21 James [1] - 6:21 January [1] - 62:22 Jason [2] - 6:7, 59:6 Jim [2] - 6:13, 30:14 jive [1] - 50:22 Joan [1] - 65:21 JONES [3] - 6:19, 17:23, 20:17 Jones [2] - 6:19, 17:14 Joseph [2] - 5:21, 91:17 jotted [1] - 51:9 judgment [1] - 53:3 July [9] - 1:7, 34:3, 34:12, 42:12, 65:2, 65:4, 65:9, 97:7, 97:14 June [1] - 22:15 justice [1] - 71:17 justify [1] - 86:6	lake [6] - 49:7, 57:16, 57:20, 60:17, 61:6, 80:6 Lake [5] - 49:21, 57:18, 59:18, 60:1, 62:20 Lakeview [2] - 13:15, 52:6 land [6] - 51:22, 51:23, 52:1, 53:13, 67:13, 69:19 landmark [1] - 67:17 lands [1] - 66:20 landscape [5] - 4:23, 5:7, 38:6, 53:10, 59:19 landscaping [1] - 36:22 Landscaping [1] - 6:3 lane [1] - 12:9 lanes [4] - 8:11, 14:22, 16:13, 16:14 LANGTON [1] - 6:16 Langton [1] - 6:16 language [1] - 97:12 larger [4] - 77:17, 94:11, 94:14, 95:5 LaSalle [2] - 9:23, 14:7 last [8] - 8:1, 16:19, 32:21, 48:18, 56:3, 61:2, 79:10, 88:13 lastly [1] - 71:2 late [1] - 74:13 launching [1] - 76:14 Law [1] - 59:20			
K			M	
KATHERINE [1] - 11:5 Katherine [1] - 11:5 Kathy [5] - 5:16, 62:5, 77:19, 88:1, 90:14 Kathy's [1] - 72:12 Kaylie [1] - 4:14 keep [1] - 43:6			mail [4] - 42:11, 43:4, 43:5, 43:12 mailing [1] - 92:10 main [1] - 11:6 maintain [8] - 2:21, 8:20, 12:16, 12:18, 13:16, 25:6, 25:15, 25:19 maintained [1] - 9:3 maintaining [1] - 13:18 maintains [1] - 21:1	

88:21
mentioned [9] -
 22:14, 25:13, 31:20,
 32:4, 32:12, 34:2,
 34:23, 40:23, 53:11
merger [1] - 71:9
merging [1] - 71:14
MERRITT [2] - 11:11,
 42:18
Merritt [2] - 11:12,
 42:18
microphone [2] -
 55:2, 55:3
might [17] - 3:17,
 7:23, 15:12, 15:23,
 24:1, 26:5, 33:12,
 34:5, 35:11, 46:5,
 52:14, 78:3, 78:13,
 84:9, 85:15, 87:20,
 93:10
mike [1] - 4:9
miles [1] - 76:11
million [1] - 66:2
mind [3] - 43:6,
 43:22, 82:20
mine [1] - 54:6
minimize [6] - 2:17,
 19:9, 20:8, 28:13,
 30:1, 64:20
minute [4] - 32:16,
 33:21, 34:2, 88:5
minutes [1] - 97:10
MISHLER [1] - 5:4
Mishler [1] - 5:5
miss [2] - 24:1, 89:1
missing [1] - 43:10
mistyped [1] - 2:7
misunderstanding
 [1] - 40:1
mitigate [9] - 2:17,
 19:9, 20:9, 28:13,
 29:14, 30:2, 30:7,
 74:17, 75:5
mitigation [3] -
 30:10, 46:5, 46:16
mix [1] - 87:7
MOA [3] - 30:5, 30:7,
 30:10
mockery [1] - 73:14
model [1] - 58:19
modeled [1] - 58:7
modeling [5] - 58:4,
 58:11, 58:18, 58:19,
 60:8
modern [3] - 52:9,
 52:11, 52:14
modified [2] - 13:9,
 38:4
modifying [1] - 13:6
moment [1] - 48:17

money [1] - 66:3
monitoring [1] - 39:1
monitors [1] - 39:5
MONTAGUE [1] -
 5:11
Montague [2] - 5:11,
 64:3
month [2] - 8:1,
 16:19
morning [1] - 50:15
most [9] - 26:5,
 56:16, 56:22, 56:23,
 65:6, 72:13, 72:19,
 73:9, 85:12
mouthful [1] - 18:15
move [9] - 13:8,
 32:14, 34:4, 35:13,
 39:14, 72:1, 72:5,
 75:5, 94:23
moved [1] - 12:15
movement [1] - 35:3
moves [1] - 38:22
moving [11] - 14:6,
 30:13, 34:13, 38:18,
 51:12, 62:1, 70:23,
 78:3, 85:7, 85:16,
 95:6
MOZELLE [2] - 6:4,
 10:16
Mozelle [1] - 6:4
MR [89] - 2:1, 4:7,
 4:9, 4:16, 4:18, 5:4,
 5:7, 5:11, 5:21, 6:1,
 6:4, 6:7, 6:9, 6:11,
 6:13, 6:18, 6:21, 6:23,
 7:2, 7:8, 7:10, 7:21,
 10:16, 10:18, 10:22,
 11:4, 11:9, 11:13,
 11:15, 17:13, 30:12,
 30:18, 39:17, 42:12,
 42:21, 43:6, 43:11,
 43:18, 43:23, 45:15,
 45:17, 47:7, 47:9,
 48:16, 49:1, 49:9,
 51:4, 51:6, 53:21,
 53:23, 59:5, 59:6,
 62:3, 72:10, 77:6,
 80:10, 80:23, 81:5,
 81:7, 81:19, 81:22,
 81:23, 82:5, 82:10,
 82:18, 82:20, 82:22,
 82:23, 83:1, 88:4,
 88:17, 88:18, 88:22,
 89:9, 89:16, 89:20,
 90:8, 91:8, 91:12,
 91:17, 91:21, 91:23,
 92:1, 92:15, 92:21,
 93:11, 94:16, 95:11,
 95:19
MS [41] - 4:11, 4:14,

4:20, 4:23, 5:2, 5:9,
 5:13, 5:16, 5:18, 6:15,
 6:16, 6:19, 7:4, 7:6,
 10:19, 11:2, 11:5,
 11:7, 11:11, 17:23,
 20:15, 20:17, 42:18,
 53:14, 62:4, 77:7,
 80:13, 81:3, 88:1,
 89:13, 89:18, 90:6,
 90:14, 92:8, 92:13,
 92:18, 92:22, 94:8,
 95:2, 95:14, 96:1
multiuse [1] - 14:5
Museum [1] - 44:17
must [3] - 25:1,
 25:14, 25:15

N

name [11] - 2:6, 2:8,
 2:23, 3:12, 4:4, 7:10,
 10:23, 59:6, 82:21,
 82:23, 97:14
names [2] - 2:9,
 84:21
Nancy [1] - 5:9
narrow [3] - 16:16,
 73:7, 76:19
narrowing [2] -
 10:11, 10:12
narrowly [1] - 54:19
Nathan [2] - 5:11,
 64:3
Nation [2] - 21:3,
 22:11
nation [1] - 74:9
National [27] - 11:12,
 17:20, 18:8, 24:15,
 25:2, 25:5, 25:9,
 25:18, 26:17, 27:10,
 33:2, 33:18, 36:3,
 36:12, 37:10, 42:19,
 44:2, 44:5, 44:10,
 44:11, 44:17, 45:11,
 46:3, 49:17, 59:14,
 61:19, 75:15
nationally [2] -
 62:19, 70:7
nations [3] - 20:22,
 21:2, 59:21
Naval [1] - 45:18
Navy [1] - 76:13
near [2] - 12:21,
 84:23
necessarily [4] -
 23:14, 24:18, 46:11,
 74:15
necessary [1] -
 47:18
need [33] - 8:3, 8:5,

8:7, 8:10, 9:12, 10:17,
 10:22, 19:2, 30:4,
 39:14, 47:13, 47:14,
 48:17, 54:7, 54:8,
 54:12, 54:16, 55:12,
 55:17, 55:18, 57:21,
 58:12, 58:14, 58:15,
 59:2, 61:12, 66:4,
 71:14, 77:22, 78:5,
 85:17, 87:16, 90:10
needed [3] - 29:2,
 29:13, 82:3
needing [1] - 77:21
needs [4] - 42:2,
 52:11, 56:9, 58:1
negative [3] - 53:11,
 53:12, 66:14
negotiate [1] - 70:1
neighborhood [11] -
 33:1, 33:7, 36:17,
 55:6, 55:23, 70:22,
 76:21, 77:8, 77:20,
 78:18, 79:20
neighborhoods [12]
 - 54:22, 55:1, 55:5,
 55:9, 55:13, 55:16,
 56:4, 56:7, 61:16,
 61:21, 69:10, 73:13
network [1] - 8:22
never [4] - 57:11,
 77:16, 79:23, 80:2
New [32] - 1:7, 1:14,
 1:16, 1:19, 4:15, 4:17,
 4:18, 4:20, 5:2, 5:10,
 6:1, 6:4, 6:16, 6:21,
 6:23, 10:21, 11:3,
 11:6, 31:16, 41:12,
 44:12, 44:16, 45:18,
 62:18, 65:20, 66:9,
 67:11, 74:23, 75:12,
 97:4, 97:5, 97:18
NEW [1] - 97:1
new [17] - 8:23, 9:3,
 9:6, 10:6, 13:23, 14:8,
 14:20, 16:6, 16:11,
 24:10, 37:2, 40:5,
 40:14, 40:18, 46:9,
 50:1, 74:16
newest [1] - 32:7
next [17] - 9:22, 11:4,
 16:22, 17:4, 17:6,
 17:13, 25:5, 26:9,
 27:4, 30:13, 42:6,
 47:7, 51:5, 90:1,
 91:16, 91:18, 95:22
Niagara [24] - 6:8,
 7:9, 16:8, 49:22, 54:1,
 55:20, 57:6, 59:7,
 59:18, 60:1, 60:18,
 61:7, 62:5, 62:21,

71:10, 72:11, 72:21,
 72:22, 73:1, 73:3,
 83:2, 83:5, 83:6
Niagara's [1] - 77:19
nice [1] - 16:14
nobody [1] - 43:9
NOI [1] - 8:4
noise [10] - 3:16,
 49:2, 69:19, 70:15,
 78:1, 78:2, 78:3, 78:4,
 78:6, 93:8
nomination [1] -
 44:12
nondescript [1] -
 72:18
none [2] - 36:21,
 63:14
north [10] - 11:19,
 12:21, 14:15, 40:5,
 49:15, 49:20, 54:2,
 83:8, 83:10, 86:3
northbound [8] -
 8:11, 9:1, 9:2, 9:20,
 15:17, 32:6, 94:19,
 94:22
northern [1] - 60:13
Notary [3] - 1:8,
 97:3, 97:18
note [1] - 73:5
noted [3] - 51:4,
 59:11, 59:19
notice [2] - 63:1,
 63:16
Notice [1] - 1:5
notion [1] - 79:4
November [2] - 17:1,
 71:3
number [7] - 10:19,
 32:23, 33:15, 40:1,
 55:9, 66:13, 81:12
NY [1] - 1:3

O

OBERST [6] - 53:23,
 82:18, 82:22, 83:1,
 92:1
Oberst [2] - 83:1,
 92:1
object [3] - 64:2,
 78:9, 79:2
objecting [1] - 71:22
objective [2] - 8:10,
 64:12
objectively [1] -
 64:14
objectives [2] - 8:15,
 42:2
objects [1] - 24:14
obligations [1] -

<p>64:17 obstruct [3] - 59:17, 60:16, 61:5 obstructing [1] - 60:5 obvious [2] - 50:6, 94:10 obviously [10] - 14:9, 24:20, 34:7, 49:1, 59:19, 72:11, 72:22, 73:2, 75:17, 87:10 occur [3] - 23:1, 23:2, 23:3 occurred [1] - 74:18 occurs [1] - 27:7 OF [2] - 97:1, 97:2 offense [1] - 78:18 offer [2] - 2:16, 80:12 office [2] - 11:6, 44:7 Office [9] - 4:19, 4:21, 5:10, 6:6, 31:19, 44:16, 45:10, 45:14, 46:1 Officer's [1] - 45:17 official [2] - 2:5, 2:12 officials [2] - 46:2, 67:9 old [8] - 13:13, 24:20, 29:10, 76:13, 81:20, 83:5, 83:7, 84:16 Old [1] - 74:20 Oliver [1] - 80:5 Olmstead [8] - 5:8, 12:22, 33:18, 37:1, 46:8, 46:14, 46:17, 49:12 Olmsted [17] - 5:6, 49:19, 51:7, 52:21, 53:16, 56:20, 56:21, 59:20, 62:20, 69:2, 69:6, 70:4, 72:23, 78:10, 79:11, 79:15, 80:8 Olmsted's [6] - 68:22, 70:1, 73:1, 74:19, 74:20, 79:22 omission [1] - 76:15 omit [2] - 75:21, 76:8 on-site [1] - 39:6 once [7] - 9:14, 25:2, 27:23, 33:22, 34:6, 58:18, 76:7 one [43] - 3:2, 3:7, 10:10, 12:10, 13:13, 14:14, 16:2, 16:15, 19:15, 20:19, 21:22, 25:2, 25:14, 30:13, 32:8, 33:16, 34:15, 39:21, 40:21, 46:22,</p>	<p>47:1, 50:12, 50:14, 57:15, 59:22, 65:8, 68:6, 68:11, 68:12, 68:16, 72:15, 78:14, 78:21, 79:22, 81:8, 83:11, 84:2, 84:5, 90:12, 92:19, 93:11 ongoing [2] - 48:13, 48:14 online [1] - 18:21 open [5] - 7:16, 12:8, 39:15, 57:14, 91:5 opened [2] - 47:23, 56:23 opening [1] - 43:19 opinion [1] - 47:5 opportunities [1] - 41:14 opportunity [12] - 2:14, 2:20, 3:9, 22:18, 61:9, 80:11, 80:20, 82:16, 85:18, 91:2, 91:19, 96:2 opposed [2] - 52:6, 80:15 opposing [1] - 69:3 option [2] - 14:20, 41:16 options [11] - 14:7, 41:2, 41:21, 41:23, 58:3, 58:5, 58:6, 58:7, 58:9, 78:12, 90:9 Orchard [1] - 78:19 order [4] - 8:14, 51:8, 54:8, 85:8 ordinary [1] - 90:17 organization [2] - 78:15, 78:16 original [10] - 46:17, 49:11, 51:23, 52:6, 52:8, 52:16, 59:22, 83:20, 84:19, 84:22 originally [3] - 57:13, 60:6, 60:18 otherwise [1] - 31:19 ought [3] - 44:9, 45:5, 45:7 ourselves [1] - 80:19 outcome [1] - 64:1 outline [1] - 34:16 outlining [3] - 26:3, 65:2, 66:13 output [1] - 46:8 outside [5] - 12:11, 34:21, 37:5, 55:11, 61:17 overall [3] - 51:16, 53:8, 95:6 overnight [3] - 42:23, 43:16, 92:19</p>	<p>oversee [1] - 20:10 overseeing [1] - 57:7 oversight [1] - 91:11 overview [5] - 7:22, 8:16, 17:7, 17:11, 19:16 own [3] - 66:21, 94:21 owned [1] - 70:3</p> <p>P</p> <p>P.E.,L.S [1] - 1:14 p.m [1] - 1:8 package [5] - 23:5, 42:17, 42:20, 92:16, 92:19 packages [3] - 42:8, 43:12, 43:15 page [2] - 50:23, 65:2 painting [1] - 18:5 parameters [1] - 75:11 paramount [1] - 63:10 parcel [1] - 67:13 park [38] - 12:19, 12:20, 12:21, 13:5, 13:11, 13:19, 14:2, 33:19, 36:13, 37:4, 37:14, 37:19, 38:11, 40:22, 41:1, 46:12, 51:22, 51:23, 52:1, 52:10, 52:12, 52:15, 56:19, 58:13, 59:19, 59:21, 66:19, 69:4, 69:15, 69:17, 69:18, 70:3, 70:8, 70:14, 78:5, 79:5, 79:16, 79:20 Park [53] - 5:15, 5:17, 5:23, 8:13, 9:21, 9:23, 12:12, 13:2, 13:3, 14:7, 32:10, 32:11, 33:17, 36:9, 36:16, 36:19, 36:22, 37:1, 37:17, 38:8, 44:5, 44:17, 46:9, 46:15, 49:6, 49:13, 50:8, 50:21, 50:23, 51:7, 53:1, 53:13, 57:14, 59:13, 59:17, 60:10, 60:13, 60:16, 61:18, 62:6, 62:11, 62:20, 67:5, 68:1, 69:9, 69:21, 70:2, 70:13, 70:21, 77:9, 78:19 parkland [1] - 51:17 Parks [5] - 4:8, 5:6,</p>	<p>5:8, 33:18, 59:22 parks [3] - 49:12, 56:21 Parkway [5] - 5:14, 5:19, 5:22, 88:2, 89:14 parkway [6] - 13:4, 59:22, 79:7, 79:9, 79:14, 79:18 PARSONS [1] - 1:17 Parsons [3] - 6:18, 7:18, 11:8 part [23] - 10:9, 15:6, 18:18, 22:7, 29:10, 33:17, 33:21, 35:8, 40:7, 41:9, 50:5, 57:2, 59:21, 65:12, 69:13, 74:14, 76:16, 78:16, 79:12, 83:19, 94:2, 94:4 Part [1] - 28:23 participant's [1] - 19:16 participants [1] - 2:20 participate [3] - 20:12, 21:11 participates [1] - 19:11 participating [6] - 20:14, 21:4, 22:12, 65:12, 65:15, 72:4 particular [6] - 20:13, 23:3, 24:7, 30:22, 31:7, 35:12 particularly [4] - 38:7, 48:8, 49:14, 49:23 parties [16] - 2:14, 16:21, 19:13, 21:6, 21:7, 21:12, 22:14, 27:17, 28:15, 31:3, 34:7, 42:13, 64:5, 89:21, 92:7, 93:3 partnering [1] - 63:21 Partnership [1] - 72:3 party [6] - 2:19, 21:11, 22:19, 43:15, 44:2, 44:8 Party [2] - 1:4, 97:7 passed [1] - 34:11 past [2] - 38:4, 75:4 path [1] - 14:5 patterns [5] - 54:21, 55:22, 69:14, 70:17, 78:8 pavement [3] - 12:14, 12:18, 13:14</p>	<p>pay [1] - 35:12 PBA [5] - 65:19, 66:9, 66:11, 66:21, 75:12 PBA's [1] - 66:15 Peace [39] - 1:4, 15:1, 15:23, 32:5, 32:7, 32:20, 41:20, 46:23, 48:7, 54:2, 56:2, 56:6, 57:9, 57:13, 62:14, 63:2, 63:20, 63:22, 66:10, 67:14, 67:22, 68:5, 68:9, 68:13, 68:23, 69:3, 69:9, 69:14, 71:5, 71:12, 71:23, 72:2, 72:5, 75:15, 83:8, 83:10, 94:11, 94:14, 97:6 pedestrian [8] - 14:13, 16:17, 36:15, 52:17, 52:23, 85:7, 85:13, 85:17 pedestrians [8] - 13:17, 13:21, 14:1, 14:2, 14:19, 15:4, 16:10, 16:15 peek [1] - 66:15 pending [1] - 67:19 penetrable [1] - 74:16 people [17] - 2:3, 24:8, 46:8, 49:20, 50:3, 54:4, 54:10, 55:7, 55:15, 57:21, 80:14, 85:1, 85:10, 85:14, 86:4, 89:2, 92:2 percent [1] - 47:22 perfect [2] - 23:23, 24:19 perform [1] - 65:16 perhaps [2] - 48:11, 72:21 perimeter [1] - 76:10 period [5] - 25:4, 28:17, 66:18, 76:3, 88:18 periodically [1] - 23:15 PERLA [5] - 5:18, 53:14, 89:13, 89:18, 90:6 Perla [3] - 5:18, 53:14, 89:13 permit [1] - 36:2 permits [1] - 19:4 permutations [1] - 44:21 PERRELLI [1] - 7:2</p>
---	--	---	--	--

<p>Perrelli [3] - 7:2, 64:3, 64:5</p> <p>Perry [1] - 80:5</p> <p>Perry's [1] - 76:14</p> <p>person [4] - 3:6, 4:4, 47:7, 51:5</p> <p>perspective [1] - 94:17</p> <p>pertaining [1] - 69:8</p> <p>Peter [2] - 5:21, 91:17</p> <p>Petty [1] - 45:17</p> <p>phase [2] - 67:4, 90:9</p> <p>phone [5] - 80:11, 88:6, 88:8, 92:4, 96:2</p> <p>photograph [1] - 12:13</p> <p>picture [2] - 18:5, 95:6</p> <p>piece [1] - 10:1</p> <p>pink [3] - 25:21, 25:22, 34:16</p> <p>pitched [1] - 47:20</p> <p>place [12] - 9:14, 14:1, 31:4, 34:20, 38:12, 56:23, 57:9, 57:21, 73:16, 84:20, 85:12, 97:9</p> <p>places [3] - 52:22, 58:13, 58:14</p> <p>Places [5] - 24:16, 45:12, 46:3, 59:15, 61:20</p> <p>placing [1] - 75:1</p> <p>plan [14] - 13:1, 50:18, 53:16, 65:2, 70:14, 72:23, 73:1, 75:10, 75:11, 79:6, 79:19, 79:22, 83:12, 84:3</p> <p>planned [1] - 82:6</p> <p>planning [4] - 83:14, 84:11, 89:14, 94:15</p> <p>plans [4] - 15:10, 37:1, 48:13, 68:6</p> <p>planting [1] - 29:15</p> <p>plausible [1] - 65:23</p> <p>play [1] - 24:17</p> <p>plays [1] - 91:21</p> <p>plaza [4] - 8:6, 47:16, 94:14, 94:22</p> <p>Plaza [24] - 1:4, 8:9, 8:11, 8:19, 8:20, 8:21, 8:22, 8:23, 9:2, 9:4, 9:7, 16:8, 32:5, 41:3, 41:20, 48:14, 57:14, 66:15, 66:16, 66:19, 66:22, 67:10, 68:9, 97:6</p>	<p>PN [6] - 9:6, 14:8, 14:12, 52:19, 59:16</p> <p>point [16] - 18:6, 20:18, 32:7, 35:23, 38:20, 42:1, 49:21, 50:12, 67:13, 72:15, 79:2, 79:15, 79:22, 80:17, 91:9, 95:17</p> <p>pointed [1] - 45:1</p> <p>points [1] - 50:4</p> <p>policies [1] - 74:4</p> <p>policy [1] - 74:11</p> <p>Policy [1] - 74:5</p> <p>pollution [2] - 69:19, 70:15</p> <p>popular [1] - 56:23</p> <p>Porter [28] - 9:5, 9:9, 9:19, 9:21, 13:21, 14:4, 14:10, 15:5, 15:11, 16:3, 32:8, 32:10, 33:17, 35:7, 36:9, 36:19, 37:3, 37:4, 44:22, 45:23, 46:13, 52:19, 53:6, 55:14, 55:15, 55:17, 55:21, 74:21</p> <p>portion [1] - 57:19</p> <p>position [3] - 66:3, 68:23, 70:1</p> <p>positive [6] - 2:22, 37:15, 51:13, 51:21, 52:3, 53:9</p> <p>positives [1] - 53:13</p> <p>possibility [1] - 41:10</p> <p>possible [4] - 2:17, 52:8, 52:17, 53:2</p> <p>possibly [3] - 14:5, 14:20, 41:16</p> <p>potatoes [1] - 26:10</p> <p>potential [19] - 22:5, 22:22, 31:9, 31:15, 37:16, 39:2, 39:9, 39:10, 42:14, 44:1, 45:2, 45:4, 61:10, 63:23, 65:1, 66:14, 85:18, 87:21</p> <p>potentially [2] - 38:14, 85:7</p> <p>powerful [1] - 78:22</p> <p>preclude [2] - 36:23, 64:18</p> <p>precursor [1] - 87:1</p> <p>prehistoric [1] - 38:14</p> <p>preliminarily [1] - 45:9</p> <p>preliminary [8] - 30:15, 35:15, 39:12, 50:16, 54:3, 54:15,</p>	<p>84:4, 90:20</p> <p>prelude [1] - 87:1</p> <p>prepare [2] - 20:1, 38:19</p> <p>prepared [2] - 39:11, 64:2</p> <p>preparing [1] - 90:3</p> <p>prerequisite [1] - 87:1</p> <p>presence [1] - 76:5</p> <p>Present [1] - 97:5</p> <p>PRESENT [1] - 1:13</p> <p>present [5] - 20:18, 34:10, 69:21, 93:17, 94:1</p> <p>presentation [7] - 7:20, 11:10, 11:14, 17:10, 30:13, 30:19, 30:23</p> <p>presentations [4] - 7:12, 7:14, 7:15, 54:15</p> <p>presented [5] - 22:17, 42:5, 50:13, 92:16, 94:2</p> <p>presenting [1] - 63:14</p> <p>preservation [2] - 19:1, 73:10</p> <p>Preservation [19] - 4:12, 5:10, 6:8, 7:9, 10:20, 11:3, 11:12, 18:9, 18:14, 31:18, 44:15, 45:10, 45:14, 46:1, 59:7, 72:11, 77:18, 80:18, 94:9</p> <p>preservationists [1] - 75:8</p> <p>president [2] - 5:5, 51:7</p> <p>President [1] - 62:5</p> <p>pressing [1] - 66:4</p> <p>pretty [3] - 10:7, 18:21, 25:12</p> <p>prevailing [1] - 58:22</p> <p>prevent [1] - 74:10</p> <p>previous [10] - 25:14, 32:20, 37:23, 50:20, 61:14, 63:13, 68:22, 75:19, 81:9, 81:11</p> <p>previously [1] - 61:22</p> <p>primarily [1] - 38:10</p> <p>primary [2] - 8:5, 40:4</p> <p>Principal [1] - 1:18</p> <p>principle [2] - 60:6, 60:17</p> <p>problem [1] - 74:15</p>	<p>procedures [1] - 38:17</p> <p>proceedings [1] - 82:12</p> <p>process [44] - 3:19, 17:12, 17:19, 18:20, 18:23, 19:17, 20:13, 21:4, 21:15, 21:16, 21:17, 21:23, 22:7, 22:8, 22:19, 23:16, 28:19, 31:10, 32:17, 32:18, 33:9, 41:9, 43:19, 44:14, 48:19, 59:4, 61:8, 61:9, 63:2, 63:15, 63:18, 65:9, 65:15, 68:16, 77:1, 78:11, 81:9, 88:11, 88:13, 88:14, 88:15, 88:19</p> <p>processes [1] - 73:16</p> <p>product [1] - 74:22</p> <p>Products [1] - 83:13</p> <p>profile [1] - 47:18</p> <p>profit [1] - 78:21</p> <p>program [1] - 41:12</p> <p>progress [1] - 82:7</p> <p>progresses [1] - 35:14</p> <p>prohibited [1] - 60:23</p> <p>Project [12] - 1:3, 1:18, 62:15, 63:2, 63:20, 66:10, 67:2, 68:1, 68:8, 68:9, 69:9, 97:6</p> <p>project [96] - 7:13, 7:22, 8:3, 8:5, 8:15, 8:19, 12:12, 12:16, 12:23, 16:21, 17:21, 19:20, 20:14, 21:5, 22:5, 22:17, 22:23, 23:3, 23:8, 23:12, 24:7, 25:23, 26:8, 26:12, 26:19, 26:22, 27:7, 30:9, 30:22, 31:9, 31:21, 32:2, 32:3, 32:13, 32:21, 34:15, 35:8, 35:13, 36:1, 36:4, 36:5, 37:2, 37:20, 38:22, 39:8, 39:23, 40:3, 42:2, 47:4, 48:5, 51:16, 53:9, 53:13, 54:20, 55:4, 57:3, 59:10, 60:3, 61:12, 63:4, 63:13, 65:4, 66:4, 66:5, 66:12, 66:14, 70:21, 71:1, 72:17, 77:3, 79:3, 81:8,</p>	<p>81:12, 81:19, 81:20, 82:1, 82:4, 86:6, 86:7, 86:11, 86:21, 86:23, 90:4, 90:9, 90:13, 93:17, 93:23, 94:11, 94:13, 94:14, 94:16, 94:23, 95:5, 95:6</p> <p>project's [2] - 36:21, 85:4</p> <p>projects [16] - 2:15, 2:18, 21:18, 26:6, 28:9, 66:22, 67:4, 68:2, 68:11, 68:15, 68:23, 69:3, 71:22, 82:8, 84:12, 87:14</p> <p>properly [1] - 50:11</p> <p>Properties [1] - 42:15</p> <p>properties [42] - 17:20, 18:12, 18:20, 19:8, 19:10, 20:9, 20:21, 21:18, 22:6, 22:21, 23:1, 23:10, 23:17, 23:21, 24:6, 24:7, 24:12, 26:18, 26:19, 26:21, 27:2, 27:11, 28:9, 30:16, 31:23, 32:23, 33:15, 36:2, 36:6, 37:6, 37:9, 37:13, 39:11, 48:20, 49:3, 49:4, 55:8, 55:11, 60:19, 64:7, 64:20</p> <p>property [18] - 2:16, 25:1, 25:16, 26:15, 27:9, 28:7, 28:14, 29:7, 29:15, 30:3, 36:11, 55:6, 56:14, 57:9, 67:16, 67:19</p> <p>proposal [1] - 69:13</p> <p>proposals [2] - 75:14, 79:7</p> <p>propose [1] - 62:1</p> <p>proposed [23] - 8:16, 29:13, 32:10, 36:12, 36:14, 36:18, 36:21, 37:2, 38:21, 40:2, 40:6, 46:19, 52:5, 52:13, 53:5, 59:9, 59:15, 60:3, 60:15, 60:22, 61:11, 62:14</p> <p>proposing [1] - 40:3</p> <p>prospect [1] - 88:15</p> <p>Prospect [16] - 5:14, 5:19, 7:4, 26:2, 33:20, 37:7, 62:7, 62:10, 67:5, 68:1, 69:10, 70:22, 71:21, 77:9, 77:12, 77:14</p> <p>prospective [1] -</p>
---	---	---	---	---

<p>73:10 protect [4] - 73:16, 73:20, 73:21, 74:5 protected [1] - 62:19 protecting [1] - 18:19 Protection [1] - 66:8 protection [1] - 18:18 provide [16] - 2:13, 7:16, 7:19, 8:8, 12:9, 13:20, 40:4, 41:14, 65:13, 65:17, 80:20, 82:17, 88:10, 89:10, 93:9, 93:21 provided [4] - 16:17, 33:11, 50:2, 95:13 provides [3] - 47:16, 61:9, 61:17 providing [3] - 20:15, 40:19, 94:18 proximity [1] - 95:5 Public [9] - 1:8, 4:10, 47:20, 48:12, 71:10, 72:3, 74:22, 97:3, 97:18 public [16] - 17:1, 17:2, 19:14, 21:6, 21:14, 22:13, 36:20, 47:5, 67:9, 68:6, 69:1, 69:4, 91:19, 93:15, 93:16, 94:1 public's [1] - 28:15 published [2] - 8:4, 63:1 publishing [1] - 95:23 pull [1] - 82:10 pulled [1] - 79:12 pumping [5] - 12:8, 56:10, 56:12, 56:15, 61:22 Pumping [1] - 46:4 purchase [1] - 68:10 purchased [1] - 67:12 purpose [12] - 8:2, 8:7, 18:23, 32:2, 41:17, 73:19, 86:18, 86:19, 86:20, 90:12, 94:18, 94:21 purposely [1] - 46:15 purposes [2] - 11:1, 59:23 pursuant [1] - 1:5 pushback [1] - 86:15 put [8] - 23:19, 35:10, 40:7, 40:14, 73:16, 80:1, 85:14, 86:7</p>	<p>puts [1] - 79:9 putting [4] - 41:16, 46:9, 86:6, 87:7</p> <p>Q</p> <p>qualified [1] - 27:9 qualify [2] - 36:11, 37:9 qualifying [1] - 28:8 quality [2] - 36:2, 54:9 Queenston [2] - 47:23, 71:7 questions [5] - 39:18, 39:19, 43:20, 92:7, 95:20 quickly [1] - 31:8 quiet [1] - 18:2 quite [1] - 52:4 quote [4] - 63:4, 65:21, 69:15, 69:18</p> <p>R</p> <p>RABB [1] - 4:7 Rabb [1] - 4:7 Rachel [1] - 7:6 rail [1] - 84:12 railroad [4] - 10:4, 83:22, 84:8, 84:18 rails [2] - 84:9 raised [1] - 62:10 raising [2] - 43:21, 93:7 ramp [34] - 8:22, 8:23, 9:6, 9:7, 9:9, 9:19, 9:22, 10:5, 10:6, 12:21, 14:8, 14:9, 14:12, 15:17, 16:6, 32:6, 40:5, 40:8, 40:18, 41:16, 41:19, 50:1, 52:19, 56:17, 57:23, 59:16, 65:22, 70:20, 72:17, 80:7, 85:14, 85:22 ramps [16] - 13:23, 14:20, 15:14, 15:21, 15:22, 37:3, 41:15, 41:19, 49:6, 60:9, 60:15, 60:22, 70:17, 93:19, 93:20 range [4] - 58:6, 64:19, 65:5, 65:13 rather [1] - 53:12 rating [1] - 47:20 RAYMOND [1] - 6:1 Raymond [1] - 6:1 re [1] - 62:2 re-examine [1] - 62:2</p>	<p>read [2] - 18:22, 25:10 reading [1] - 53:15 ready [1] - 95:21 real [2] - 51:13, 83:16 realignment [1] - 51:11 reality [2] - 35:8, 79:23 realize [1] - 38:13 really [10] - 8:3, 48:21, 54:9, 55:22, 56:1, 58:23, 72:13, 73:17, 75:7, 77:4 reason [10] - 2:6, 23:12, 23:13, 38:17, 40:12, 53:19, 64:9, 85:3, 87:3, 94:23 reasonable [2] - 91:6 reasons [1] - 53:10 Rec [1] - 4:8 recapture [1] - 51:22 recapturing [1] - 51:17 receive [5] - 21:12, 66:8, 89:21, 89:22, 90:19 received [10] - 23:4, 31:5, 31:6, 34:9, 42:8, 42:9, 42:10, 42:13, 50:14, 65:19 receiving [3] - 42:10, 42:20, 88:2 recently [1] - 33:4 recognize [1] - 56:9 recognized [6] - 19:13, 20:19, 20:20, 22:9, 43:14, 84:10 recommend [2] - 20:2, 73:17 reconfigure [1] - 69:13 reconfiguring [1] - 85:6 reconnect [1] - 40:16 reconnects [1] - 52:1 reconstruction [2] - 36:18, 45:2 record [6] - 2:12, 17:4, 30:8, 42:19, 62:7, 62:22 recreate [1] - 52:16 recreated [1] - 52:8 recreational [1] - 51:14 red [3] - 11:18, 25:22, 34:16 redirect [1] - 8:12 reduce [1] - 8:7</p>	<p>reduced [1] - 47:15 reenforce [1] - 74:17 reevaluate [2] - 23:13, 73:18 refer [2] - 18:13, 18:14 reference [2] - 4:2, 81:10 references [1] - 88:12 referred [1] - 82:3 referring [1] - 18:17 refreshing [1] - 47:6 regarding [5] - 2:15, 20:21, 44:11, 60:8, 80:15 region [2] - 72:20, 76:3 Region [4] - 6:22, 7:1, 10:18, 17:16 Regional [2] - 6:20, 17:15 register [3] - 2:6, 2:11, 63:5 Register [18] - 17:20, 25:5, 25:9, 25:18, 26:17, 27:10, 33:2, 36:4, 36:12, 37:10, 44:12, 45:11, 46:3, 49:17, 59:14, 61:19, 62:23, 75:15 Register's [1] - 25:2 registered [1] - 70:8 Registry [1] - 24:15 regulation [1] - 20:11 regulations [1] - 87:23 regulatory [1] - 73:20 rehabilitation [1] - 45:13 reinforce [1] - 75:3 reject [1] - 64:11 rejecting [1] - 71:22 relate [1] - 33:12 related [3] - 46:14, 48:21, 83:4 relates [1] - 32:2 relating [2] - 63:8, 69:14 relation [1] - 30:22 relationship [3] - 21:1, 64:13, 73:12 religious [1] - 20:22 relocated [1] - 11:18 relocating [4] - 13:4, 13:11, 40:13, 40:16 relocation [3] - 32:10, 40:23, 63:9</p>	<p>remain [1] - 62:15 remaining [1] - 83:19 remains [3] - 28:4, 38:13, 49:15 remember [3] - 32:1, 32:3, 32:13 remnants [3] - 44:23, 49:15, 84:19 removal [5] - 36:12, 37:14, 68:23, 69:12, 69:16 remove [7] - 8:13, 29:13, 40:21, 70:7, 70:15, 73:11 removed [2] - 9:16, 29:17 removing [3] - 13:9, 29:14, 71:11 renewal [1] - 32:9 renovating [1] - 66:22 renovation [1] - 67:22 Renovation [1] - 68:9 replace [1] - 15:11 replaced [2] - 15:20, 16:12 replacement [2] - 41:11, 41:13 replacing [1] - 41:13 Report [2] - 42:16, 71:14 report [7] - 49:12, 64:2, 64:4, 64:11, 71:4, 93:14, 95:23 reports [3] - 35:18, 37:23, 72:2 representing [4] - 3:13, 4:5, 44:1, 59:7 represents [1] - 31:20 request [3] - 44:7, 91:7, 93:18 require [2] - 70:9, 75:11 required [3] - 20:12, 66:5, 69:4 requirements [2] - 21:9, 28:23 requires [2] - 18:9, 19:3 requiring [1] - 68:16 rescind [2] - 63:1, 63:16 research [1] - 90:11 reservations [1] - 73:1 Reserve [1] - 45:18 reserving [1] - 53:3</p>
---	--	--	---	---

<p>resetting [1] - 76:13</p> <p>resident [6] - 5:14, 5:16, 5:18, 5:22, 7:5, 77:8</p> <p>residential [1] - 36:17</p> <p>residents [6] - 49:4, 60:19, 70:23, 71:21, 78:16, 78:23</p> <p>residents' [1] - 77:15</p> <p>resolutions [1] - 71:9</p> <p>resolve [1] - 29:2</p> <p>resolved [1] - 63:14</p> <p>resolving [2] - 21:19, 29:5</p> <p>resource [12] - 49:7, 49:16, 49:23, 51:11, 59:14, 60:5, 63:7, 63:8, 72:20, 73:5, 73:11</p> <p>Resource [1] - 17:16</p> <p>resources [30] - 31:11, 31:12, 31:13, 32:18, 33:13, 35:9, 35:18, 35:23, 37:16, 37:21, 37:22, 38:2, 38:15, 39:2, 44:18, 44:20, 45:3, 45:5, 60:12, 61:5, 61:15, 61:19, 61:20, 73:13, 73:17, 73:21, 73:22, 74:11, 81:18</p> <p>respect [1] - 3:6</p> <p>respond [1] - 90:21</p> <p>responded [1] - 44:7</p> <p>responding [1] - 90:23</p> <p>responsibility [3] - 20:6, 23:18, 47:4</p> <p>responsible [1] - 19:18</p> <p>rest [2] - 85:20, 87:12</p> <p>restoration [4] - 36:15, 46:11, 46:17, 69:16</p> <p>restore [4] - 51:23, 70:14, 74:6, 75:5</p> <p>restored [1] - 9:16</p> <p>result [4] - 19:20, 59:9, 63:5, 70:16</p> <p>resulted [1] - 33:9</p> <p>results [1] - 35:15</p> <p>retain [1] - 25:3</p> <p>returning [1] - 36:14</p> <p>review [20] - 9:15, 17:1, 17:3, 24:4, 26:6, 27:18, 31:8, 32:22, 33:5, 33:6, 54:13,</p>	<p>61:8, 61:9, 63:6, 64:21, 68:17, 89:4, 89:6, 89:10, 95:4</p> <p>reviewed [4] - 21:9, 28:17, 32:18, 34:1</p> <p>revisited [1] - 49:18</p> <p>Revitalization [1] - 57:3</p> <p>Rich [1] - 83:13</p> <p>right-of-way [2] - 40:10, 40:11</p> <p>RITA [1] - 11:7</p> <p>Rita [1] - 11:7</p> <p>river [6] - 55:20, 57:11, 57:16, 60:17, 75:22, 76:1</p> <p>River [7] - 57:6, 59:18, 60:2, 60:18, 61:7, 62:21, 73:3</p> <p>Riverwalk [21] - 9:18, 10:2, 10:4, 10:9, 10:11, 10:15, 11:17, 11:18, 12:4, 12:7, 35:4, 40:9, 40:13, 40:17, 45:4, 51:12, 57:2, 57:5, 85:6, 85:11, 85:20</p> <p>Riviere [1] - 1:19</p> <p>road [5] - 10:13, 12:8, 12:9, 64:23, 70:20</p> <p>Road [1] - 1:16</p> <p>ROBINSON [5] - 7:8, 72:10, 81:7, 81:22, 82:5</p> <p>Robinson [2] - 7:8, 72:10</p> <p>Rock [4] - 83:20, 84:19, 84:21, 84:22</p> <p>role [6] - 19:17, 19:23, 20:5, 20:11, 65:13, 65:16</p> <p>roles [1] - 63:3</p> <p>Room [1] - 1:15</p> <p>room [2] - 4:4, 75:17</p> <p>roughly [2] - 76:4, 76:11</p> <p>roundabout [11] - 14:9, 14:11, 14:14, 14:21, 41:4, 52:20, 53:16, 78:1, 78:3, 90:7</p> <p>roundabouts [2] - 53:17, 53:20</p> <p>roundtable [1] - 39:16</p> <p>route [4] - 8:20, 9:2, 9:4, 9:8</p> <p>routing [2] - 8:19, 71:6</p>	<p>rowing [1] - 79:17</p> <p>RSP [1] - 67:15</p> <p>rules [1] - 3:23</p> <p>ruling [1] - 68:20</p> <p>run [1] - 11:22</p>	<p>S</p> <p>safe [1] - 13:20</p> <p>safety [1] - 36:20</p> <p>Sam [1] - 65:19</p> <p>SANTANGELO [1] - 4:20</p> <p>Santangelo [1] - 4:20</p> <p>saw [2] - 33:21, 49:19</p> <p>Scajaquada [1] - 83:8</p> <p>scape [2] - 52:21, 73:4</p> <p>scapes [1] - 74:20</p> <p>scenario [1] - 91:21</p> <p>scenic [6] - 49:16, 40:17, 45:4, 51:12, 57:2, 57:5, 85:6, 85:11, 85:20</p> <p>schedule [2] - 16:18, 16:19</p> <p>scheduling [1] - 95:3</p> <p>scheme [1] - 23:23</p> <p>SCHOLLS [1] - 6:23</p> <p>Scholls [1] - 6:23</p> <p>scope [7] - 23:6, 23:12, 26:7, 39:22, 40:3, 40:20, 76:19</p> <p>scoped [1] - 16:21</p> <p>scoping [10] - 8:1, 14:16, 15:6, 16:19, 22:15, 22:16, 41:9, 68:16, 93:13, 93:14</p> <p>seat [1] - 2:3</p> <p>second [7] - 10:17, 54:13, 54:16, 60:11, 62:16, 72:19, 72:21</p> <p>Second [1] - 55:16</p> <p>secrecy [1] - 67:20</p> <p>secretary [1] - 44:6</p> <p>section [5] - 21:17, 22:1, 70:23, 83:6, 90:22</p> <p>Section [15] - 1:4, 3:19, 3:21, 17:11, 17:18, 18:8, 54:13, 61:8, 62:11, 63:15, 64:17, 64:20, 65:6, 65:8, 97:7</p> <p>secure [1] - 13:20</p> <p>Security [1] - 66:6</p> <p>see [18] - 12:22, 24:10, 25:23, 44:8,</p>	<p>49:21, 51:20, 52:2, 52:18, 57:15, 57:17, 57:19, 57:22, 75:9, 75:10, 75:16, 78:6, 82:11, 90:12</p> <p>seeing [1] - 52:8</p> <p>seek [1] - 46:16</p> <p>seeker [2] - 68:17, 73:15</p> <p>seem [3] - 75:19, 77:2, 90:6</p> <p>segmentation [5] - 68:19, 86:12, 87:8, 87:21, 95:9</p> <p>segmented [1] - 75:13</p> <p>self [1] - 25:12</p> <p>self-explanatory [1] - 25:12</p> <p>selling [1] - 86:13</p> <p>send [1] - 42:21</p> <p>Seneca [3] - 1:6, 21:2, 22:11</p> <p>Senecas [2] - 21:3, 22:11</p> <p>sense [3] - 12:22, 86:8, 87:18</p> <p>SENSENHEY [1] - 4:9</p> <p>Sensenhey [1] - 4:9</p> <p>sensitivity [2] - 38:8, 38:9</p> <p>Sensitivity [1] - 42:16</p> <p>sent [11] - 23:5, 24:8, 27:17, 33:23, 34:1, 42:22, 43:15, 88:23, 89:6, 92:6</p> <p>separate [2] - 15:22, 68:11</p> <p>series [1] - 17:18</p> <p>seriousness [1] - 47:3</p> <p>serve [1] - 73:19</p> <p>serves [2] - 90:12, 94:18</p> <p>Service [2] - 44:5, 44:17</p> <p>Services [1] - 66:7</p> <p>services [1] - 64:23</p> <p>session [1] - 80:22</p> <p>set [2] - 76:6, 97:9</p> <p>sets [1] - 43:7</p> <p>setting [6] - 27:12, 29:10, 29:15, 29:20, 38:16, 76:6</p> <p>settings [1] - 36:7</p> <p>seven [1] - 67:13</p> <p>Seventh [1] - 55:17</p> <p>several [3] - 54:3,</p>	<p>59:8, 61:15</p> <p>severed [1] - 12:17</p> <p>shaded [2] - 34:19, 35:1</p> <p>shed [9] - 50:4, 56:18, 56:22, 58:1, 58:10, 58:12, 59:13, 60:12, 61:6</p> <p>sheds [1] - 77:23</p> <p>sheet [1] - 41:8</p> <p>Sheridan [2] - 57:8, 58:13</p> <p>shorthand [1] - 97:10</p> <p>shorts [1] - 7:12</p> <p>shovel [1] - 35:10</p> <p>show [3] - 15:4, 24:6, 46:7</p> <p>showcase [1] - 59:23</p> <p>showed [1] - 46:10</p> <p>showing [4] - 9:15, 12:2, 12:4, 16:5</p> <p>shown [5] - 12:4, 15:1, 41:7, 46:20, 85:5</p> <p>shows [2] - 12:13, 25:23</p> <p>SHPO [9] - 19:12, 20:5, 27:17, 31:19, 33:23, 34:9, 35:5, 91:15</p> <p>shrouded [1] - 67:20</p> <p>shut [1] - 87:4</p> <p>shutting [1] - 63:12</p> <p>side [18] - 3:15, 12:20, 12:21, 13:16, 14:4, 14:14, 14:16, 14:17, 15:4, 15:18, 16:10, 16:15, 49:15, 58:17, 58:23, 62:20, 71:17, 76:12</p> <p>sidewalk [5] - 12:15, 14:3, 14:4, 16:14, 16:16</p> <p>sidewalks [1] - 53:5</p> <p>sign [4] - 2:4, 2:5, 2:10, 2:11</p> <p>sign-in [4] - 2:4, 2:5, 2:10, 2:11</p> <p>signal [1] - 13:16</p> <p>signalized [1] - 14:20</p> <p>signals [3] - 15:1, 15:3, 16:1</p> <p>significance [10] - 20:22, 24:21, 24:23, 74:12, 75:22, 76:1, 76:7, 76:9, 76:10, 86:5</p> <p>significant [2] -</p>
---	--	--	---	--	--

<p>72:19, 74:7 signs [1] - 16:2 similarly [3] - 45:8, 45:22, 46:4 simple [1] - 94:12 simpleminded [1] - 94:12 simultaneously [1] - 67:2 sit [1] - 61:4 site [7] - 39:6, 57:5, 60:2, 69:5, 79:9, 84:13, 85:2 sites [3] - 24:13, 74:6, 81:13 sitting [1] - 90:16 situated [1] - 69:17 situation [2] - 33:6, 34:8 six [1] - 26:10 Sixth [1] - 49:13 slide [10] - 8:2, 20:20, 25:6, 25:13, 25:20, 27:4, 34:14, 39:21, 46:21, 50:22 slides [4] - 7:23, 26:10, 46:10, 50:13 slight [1] - 38:13 slip [1] - 39:20 sloping [1] - 95:23 SMITH [1] - 7:6 Smith [1] - 7:6 sole [1] - 41:17 solution [4] - 52:14, 53:2, 74:14, 76:20 someone [1] - 10:17 sometime [1] - 43:1 sooner [1] - 15:17 sorry [1] - 69:10 sort [4] - 74:16, 75:7, 81:11, 93:2 sought [1] - 47:5 sounds [1] - 88:7 source [3] - 51:2, 73:3 South [1] - 53:1 south [10] - 11:20, 12:20, 14:4, 14:14, 14:17, 15:4, 16:10, 55:13, 55:17, 55:20 southbound [2] - 8:21, 9:8 southern [1] - 57:19 southwest [1] - 37:4 southwestern [2] - 59:16, 60:16 space [2] - 9:17, 36:14 speaker [3] - 3:7, 17:14, 50:20</p>	<p>speakers [1] - 61:14 speaking [4] - 3:6, 3:17, 47:10, 80:16 speaks [1] - 3:10 Special [2] - 1:15, 7:11 specific [2] - 53:4, 84:11 specifically [8] - 9:21, 21:10, 36:9, 44:22, 53:18, 69:1, 69:12, 71:6 speed [1] - 79:5 spend [1] - 79:8 spending [1] - 72:9 spent [1] - 81:14 spirit [2] - 78:20, 87:22 square [1] - 13:15 squeeze [3] - 10:12, 10:14, 11:15 Stage [1] - 71:13 stage [1] - 78:22 stakeholder [1] - 58:8 stakeholders [2] - 15:7, 83:13 stand [2] - 45:16, 62:5 start [5] - 12:12, 17:5, 18:2, 22:21, 88:9 started [2] - 2:2, 82:13 starts [1] - 31:16 STATE [1] - 97:1 state [11] - 5:10, 10:22, 63:7, 67:10, 68:5, 68:7, 72:17, 74:8, 74:12, 82:21, 82:23 State [30] - 1:14, 4:18, 4:21, 5:3, 6:2, 6:5, 6:17, 6:21, 7:1, 10:21, 11:3, 11:6, 31:16, 31:18, 41:13, 44:12, 44:15, 44:16, 44:19, 62:18, 65:20, 67:11, 68:19, 70:12, 74:23, 75:12, 75:14, 97:4, 97:18 statement [3] - 41:23, 72:12, 76:7 statements [5] - 60:7, 62:12, 67:9, 69:1, 72:13 States [1] - 62:17 states [3] - 47:14, 65:21, 71:4 stating [1] - 62:22</p>	<p>station [5] - 12:8, 56:10, 56:12, 56:15, 61:22 Station [1] - 46:4 Statistics [1] - 47:21 statute [1] - 80:5 stay [5] - 3:18, 16:10, 48:19, 48:21, 48:23 stenographer [2] - 2:23, 3:13 stenographer's [1] - 11:1 step [10] - 21:21, 21:22, 22:20, 29:4, 44:20, 73:18, 90:1, 91:16 steps [7] - 17:18, 21:16, 21:22, 28:6, 30:20, 52:3, 59:3 still [4] - 16:18, 52:18, 75:11, 79:6 stop [3] - 16:2, 53:18, 53:20 stopped [1] - 9:13 straight [2] - 16:7, 50:2 straighten [1] - 15:20 Street [10] - 1:6, 16:8, 49:13, 54:2, 55:16, 55:17, 55:19, 55:20, 83:6, 84:23 STREET [3] - 59:5, 82:20, 82:23 street [5] - 13:16, 13:22, 41:3, 52:21, 60:20 streets [6] - 8:8, 47:15, 48:3, 61:1, 64:8, 66:20 STREETT [39] - 1:14, 2:1, 7:10, 10:18, 10:22, 11:4, 11:9, 11:13, 17:13, 30:12, 39:17, 43:6, 43:18, 45:15, 47:7, 48:16, 49:9, 51:4, 53:21, 62:3, 77:6, 80:10, 80:23, 81:5, 82:13, 88:4, 88:18, 89:9, 90:8, 91:10, 91:23, 92:4, 92:11, 92:15, 92:21, 93:11, 94:16, 95:11, 95:19 Streett [1] - 7:10 stretch [1] - 62:18 strictly [1] - 3:21 strive [1] - 52:16 strong [2] - 52:7, 53:1</p>	<p>structure [4] - 24:16, 29:18, 29:20, 29:22 structures [5] - 24:14, 33:10, 74:6, 83:17, 83:18 students [1] - 84:4 studies [3] - 24:6, 75:19, 81:11 studio [1] - 84:5 study [7] - 16:3, 38:3, 38:13, 47:19, 71:14, 72:1, 82:2 stuff [3] - 59:1, 82:9, 83:17 subject [2] - 26:7, 94:15 submitted [2] - 21:9, 66:13 subscribed [1] - 97:14 substantially [1] - 38:4 suggest [1] - 95:12 suggestions [1] - 93:16 Suite [1] - 1:19 suits [1] - 42:2 summarizing [1] - 30:15 summary [1] - 28:14 SUNY [2] - 5:12, 38:1 supervision [1] - 97:11 supplies [1] - 27:3 supported [1] - 79:22 suppose [1] - 81:13 Supreme [1] - 68:19 surround [1] - 70:17 surrounded [2] - 62:19, 68:2 surrounding [4] - 52:2, 55:12, 69:10, 73:13 Survey [2] - 5:12, 7:3 surveys [1] - 24:9 Susan [4] - 1:8, 2:23, 97:3, 97:18 suspect [1] - 34:4 sweeping [1] - 59:23 Sylvia [7] - 6:19, 17:14, 17:17, 17:22, 30:12, 30:20, 31:19 system [4] - 13:19, 46:20, 52:21, 59:22</p>	<p>Tanya [6] - 10:20, 11:1, 80:13, 81:1, 92:9, 94:8 tanya [1] - 11:2 taper [1] - 18:2 taxpayer [1] - 72:9 team [1] - 64:6 technical [3] - 7:20, 20:16, 20:17 TEILMAN [3] - 47:9, 49:1, 49:10 Teilman [1] - 47:9 terminating [2] - 63:1, 63:3 terms [4] - 38:7, 45:21, 75:18, 76:1 terrace [2] - 57:13, 57:15 Terrace [1] - 58:13 Terrance [1] - 57:8 Terry [3] - 7:8, 72:10, 78:7 thereafter [1] - 97:11 therefore [7] - 8:10, 36:17, 62:21, 63:11, 64:11, 68:14, 95:7 they've [1] - 20:2 thinking [2] - 13:11, 15:16 third [2] - 30:13, 41:16 thirty [1] - 88:18 Thomas [2] - 51:6, 78:18 thomas [1] - 5:4 THOMAS [1] - 1:18 three [6] - 7:12, 16:14, 27:19, 41:1, 41:21, 67:13 throughout [1] - 52:21 Thruway [28] - 5:3, 8:12, 8:21, 9:1, 9:3, 9:8, 9:20, 10:5, 11:20, 11:21, 12:1, 14:12, 14:23, 15:9, 15:10, 15:11, 15:13, 15:17, 15:21, 15:23, 16:6, 32:6, 41:13, 44:14, 45:19, 60:23, 62:19, 75:1 thumbs [1] - 18:3 tie [1] - 11:23 TIELMAN [1] - 6:9 Tielman [1] - 6:9 ties [1] - 85:3 tight [1] - 10:14 Tim [2] - 6:9, 47:9 timed [1] - 15:12 timeline [2] - 65:3,</p>
--	---	---	--	--

<p>65:15 today [24] - 2:13, 4:1, 7:12, 9:3, 16:20, 20:18, 42:9, 43:2, 43:17, 50:14, 63:14, 63:19, 65:9, 85:11, 87:19, 88:13, 89:3, 89:4, 89:6, 89:20, 91:12, 92:2, 94:3, 95:22 together [2] - 49:22, 57:16 Tom [8] - 7:18, 11:13, 17:13, 22:14, 39:20, 40:5, 41:1, 45:1 Tom's [1] - 46:10 tomorrow [1] - 65:9 Tonawanda [2] - 21:3, 22:11 took [1] - 11:17 tools [1] - 50:9 top [1] - 10:8 topic [2] - 48:22, 94:10 totality [1] - 64:14 touch [2] - 31:12, 46:5 touched [1] - 61:13 tough [1] - 95:17 tour [1] - 64:6 towards [2] - 9:1, 14:6 Towers [1] - 24:19 track [1] - 11:19 tracks [2] - 10:4, 84:8 tractor [1] - 48:8 traffic [44] - 8:8, 8:12, 8:18, 9:1, 9:4, 13:16, 15:1, 16:1, 16:5, 36:13, 37:19, 41:2, 41:7, 41:19, 47:16, 47:19, 47:22, 48:2, 48:6, 48:9, 48:21, 49:2, 49:5, 52:10, 53:18, 54:21, 54:23, 55:1, 55:5, 55:22, 56:4, 68:13, 69:14, 70:16, 71:7, 71:12, 71:19, 76:20, 76:22, 78:8, 93:8, 95:7 Traffic [1] - 47:21 trail [8] - 84:5, 84:6, 84:12, 85:1, 85:9, 85:15, 85:19 trailer [1] - 48:8 trails [2] - 84:9, 84:10</p>	<p>transcribed [1] - 97:11 transcript [4] - 62:12, 88:3, 89:22, 92:6 transportation [7] - 40:4, 51:18, 63:13, 68:18, 71:22, 84:10, 94:19 Transportation [13] - 1:6, 1:14, 4:19, 4:21, 6:2, 6:5, 6:17, 7:1, 7:18, 11:8, 47:2, 63:20, 74:23 traversing [1] - 49:5 tree [5] - 29:10, 29:13, 29:14, 29:16 tribes [3] - 19:13, 20:20, 22:10 truck [2] - 71:7, 71:12 trucks [6] - 53:18, 53:20, 60:22, 61:3, 72:1, 72:5 truly [1] - 61:11 Trust [2] - 11:12, 42:19 truthfully [1] - 50:17 try [3] - 24:2, 89:7, 93:23 trying [3] - 48:20, 48:22, 93:17 Tuesday [2] - 1:7, 97:7 turn [2] - 3:11, 7:17 Twin [1] - 24:19 two [16] - 12:9, 15:22, 33:16, 34:1, 41:6, 43:6, 47:21, 51:1, 55:13, 67:4, 71:8, 71:15, 71:20, 72:2, 73:9, 74:22 type [2] - 24:21, 60:8 typically [2] - 18:14, 24:17</p>	<p>undergoing [1] - 22:8 underneath [5] - 10:5, 11:23, 12:15, 40:11, 68:17 understood [1] - 33:4 undertaking [10] - 18:11, 19:6, 19:8, 22:2, 26:13, 26:22, 27:20, 29:13, 44:11, 45:13 undertakings [2] - 19:2, 19:3 undeveloped [1] - 38:10 undisputedly [1] - 69:18 unidentified [2] - 33:12, 33:13 United [1] - 62:17 unknown [1] - 50:1 unless [1] - 69:5 unsightliness [2] - 69:20, 70:16 up [31] - 4:1, 10:16, 11:22, 12:8, 12:19, 13:8, 13:23, 17:10, 18:3, 31:4, 33:23, 35:3, 39:15, 43:19, 55:19, 56:4, 56:17, 56:18, 58:21, 75:12, 81:23, 82:10, 82:14, 82:20, 85:20, 90:2, 93:19, 93:23, 95:9 update [4] - 24:5, 33:7, 46:6, 82:2 updated [2] - 24:8, 38:1 urban [1] - 38:16 usage [1] - 51:18 user [2] - 50:8, 50:9 users [4] - 36:21, 70:21, 78:5, 79:20 uses [2] - 64:3, 69:20 utilities [1] - 94:17 utility [1] - 94:20 utilize [1] - 13:14</p>	<p>vehicular [1] - 45:21 vertical [1] - 23:11 vicinity [2] - 73:14, 76:14 view [24] - 10:2, 12:3, 28:15, 37:17, 45:23, 50:2, 50:4, 56:18, 56:21, 57:1, 57:12, 57:14, 57:23, 58:10, 58:12, 59:13, 59:17, 60:10, 60:12, 60:17, 61:6, 73:4, 74:20, 77:23 viewer [1] - 49:6 views [5] - 2:15, 21:13, 59:23, 60:6 Village [1] - 83:20 violates [1] - 68:19 visible [1] - 77:22 Vision [3] - 54:1, 83:2, 83:4 visit [1] - 57:5 visits [1] - 84:13 vista [1] - 60:10 vistas [1] - 60:1 visual [4] - 37:12, 37:18, 49:23, 93:18 visualization [2] - 93:22, 94:2 visualize [2] - 10:6, 93:18 visuals [1] - 93:7 voice [1] - 78:22 volume [1] - 71:18</p>	<p>61:6, 67:6, 79:6, 79:21 water's [2] - 45:20, 79:18 waterfront [2] - 59:18, 60:1 waterway [1] - 45:3 ways [5] - 19:9, 27:19, 41:7, 72:19, 93:18 week [3] - 16:22, 95:22 weeks [2] - 56:3, 61:3 weigh [2] - 78:15, 78:17 weighing [2] - 74:1, 74:2 weight [1] - 70:11 west [4] - 45:19, 55:19, 58:22, 71:16 WHEREOF [1] - 97:13 whole [2] - 33:19, 79:3 wide [5] - 14:3, 14:4, 16:14, 60:22, 74:12 widening [2] - 66:23, 67:23 wider [2] - 26:1, 53:5 width [4] - 10:15, 84:9, 84:10, 84:12 WILSON [2] - 6:7, 59:6 Wilson [2] - 6:7, 59:6 winds [1] - 58:22 wing [1] - 69:17 wise [2] - 16:18, 78:6 WITNESS [1] - 97:13 Wolf [1] - 1:16 wonder [1] - 95:2 wonderful [1] - 74:9 words [2] - 3:5, 73:9 workmanship [2] - 27:12, 36:7 works [1] - 54:7 Works [1] - 4:10 wrapping [2] - 82:14, 90:1 written [4] - 28:16, 30:10, 62:12, 80:20</p>
	<p>U</p>			
	<p>U.S [5] - 1:4, 66:15, 66:18, 67:10, 97:6 UB [4] - 7:3, 58:4, 82:2, 84:4 UB's [1] - 33:5 unchanged [1] - 62:15 unclear [1] - 50:5 undated [1] - 42:15 under [5] - 44:4, 59:14, 74:11, 82:7, 97:11</p>	<p>V</p>		
		<p>vacuum [1] - 90:23 valuable [1] - 81:16 value [1] - 73:5 values [1] - 55:7 vantage [1] - 18:5 various [2] - 31:1, 78:12 vehicles [3] - 52:11, 52:15, 58:21</p>	<p>W</p>	
			<p>wait [2] - 3:11, 20:19 waiting [1] - 52:18 walked [2] - 57:8, 57:12 walkway [3] - 12:19, 13:19, 51:12 walkways [3] - 12:17, 13:18, 36:15 wants [1] - 68:7 War [1] - 83:16 warBIDSKI [1] - 80:13 warBIDSKI [9] - 10:19, 11:2, 92:8, 92:13, 92:18, 94:8, 95:2, 95:14, 96:1 Warbidski [1] - 11:2 warBINSKI [1] - 81:3 Ward [1] - 46:4 Washington [1] - 4:13 water [5] - 51:13,</p>	<p>Y</p>
				<p>yacht [1] - 79:17 Yacht [2] - 45:22, 61:23 yard [1] - 76:13 year [9] - 17:2, 17:4, 17:6, 22:15, 29:10,</p>

47:21, 81:9, 86:14 year-to-year [1] - 47:21 years [9] - 24:17, 24:18, 24:20, 32:21, 47:1, 48:14, 51:18, 81:14, 94:15 yellow [1] - 10:6 yesterday [4] - 42:22, 43:16, 88:23, 89:5 York [32] - 1:7, 1:14, 1:16, 1:19, 4:15, 4:17, 4:18, 4:21, 5:2, 5:10, 6:1, 6:4, 6:16, 6:21, 6:23, 10:21, 11:3, 11:6, 31:16, 41:12, 44:12, 44:16, 45:18, 62:18, 65:20, 66:9, 67:11, 74:23, 75:12, 97:4, 97:5, 97:18 YORK [1] - 97:1
Z
zone [2] - 34:22, 73:15 Zone [1] - 74:5

